

Anglia Liberata,

7

OR,

THE RIGHTS

Of the People of ENGLAND,
MAINTAINED AGAINST
the Pretences of the SCOTISH King,

As they are set forth in an

ANSWER

TO THE

LORDS AMBASSADORS

PROPOSITIONS of ENGLAND.

Which ANSWER was delivered into the *Great*
Assembly of the *United Provinces* at the *Hague*, by one
MAC-DONNELL, who entitles himself *Resident* for
his Majesty, &c. *June* ²³/₁₆ 1651:

And is here published according to the *Dutch Copy*.

MacDonnell
(Sibb.)

WHERE TO IS ADDED

A TRANSLATION OF CERTAIN
Animadversions upon the *Answer* of *Mac-Donnell*.

K

Written by an ingenious *Dutch-man*.

AS ALSO

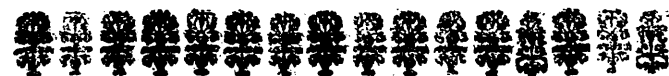
AN ADDITIONAL REPLY

To all the pretended Arguments, Insinuations
and Slanders, set forth in the said

SCOTISH ANSWER.

Written a while since by a private Pen, and now presented
to the PUBLICK. *October. 4.*

London, Printed by T. Newcomb for Richard Lowms, at the
White Lion in Pauls Church-yard near the West end, 1651.



The Publisher to the READER.



Thou hast here first, the Answer of Mac-Donnel (whom in the Dutch they call Mac-Dowel) to the Propositions of our English Ambassadors, as it was delivered by him, in the Great Assembly of the United Provinces; which having been published beyond Sea in Dutch, and translated since into an English Print, is here presented to a more publick view, with a few Correctives added therunto to prevent the poison. And therefore in the second place, thou hast also a Transcript of certain ANIMADVERSIONS upon Mac-Donnel's Answer, written by an honest Dutchman in his own Language, and now translated into English.

Those ANIMADVERSIONS, are indeed very pithy, pertinent, and ingenious; but because they are only the Hints of Things, and not Discourses so drawn at full, as to convince such as are not easily perswaded of the Truth of matters in Controversie; therefore it was thought fit in the third place, to bring up the Rear with an Additional Reply; partly to discuss the main points more fully; and partly, to touch upon many other particulars of Mac-Donnel's Answer, wholly neglected by the Dutch Animadvector.

The truth is, these Papers have lain by for some time, by reason of the late disturbances, they having been all ready prepared for the Press before, except the latter part of the fourth Chapter of the Additional Reply, which was lickt up, upon the close of this last grand determination of Affairs at Worcester. Perhaps, some expressions therein touching the Power of the Sword, at the first sight, may not please all; but that all may be pleased, let them know, the Rights of the people are no way wronged, as long as the Sword is asserted, and acknowledged to be in the hands of the Parliament; who by the Law of the Sword have so nobly over-turned the Law of the Prerogative, and recovered the good old Laws, Liberties, and Priviledges of the people. And whereas it is here inde-

voured to prove our English Relation to the old Treaties made withour Neighbours of Holland; know the intent is not in any wise to court that Nation to maintain Amity; but onely to refell the futility of those Arguments of the Royal Party, who pretend to prove, that by vertue of those Treaties, the Dutch are tied still to the late Kings Family, as if they stood radicated in full force, in the person of the present young Pretender.

If there be any fault then in the Author of the Additionall Reply, it is only his presumption, that a private Pen should meddle with matters of a publick Import: But the honest Dutch man having shewn him the way, he could not chuse but follow him, and lay hold upon this opportunity, throughly to canvass the princpall Points, Parts, and Pretences, that pass up and down by Tradition, to support the cause and interest of the Common Enemy.

Perhaps they may at present seem as dead to some, having been Thunder-struck by the late fatall blow at Worcester, and therefore this Piece by way of Reply, may be supposed now also to be of the less use and consideration. But let such consider, that though the Cause, and many of its grand Abettors be laid flat, yet as long as so many Pretenders of the Family are in being, they will be always upon every opportunity, reviving and setting on foot the same pretences; so that if we subdue these by Reason, as well as their Persons and Partisans by Force, they will be the less able to drive on future designs, and draw Parties, either here or abroad, to the disquiet of England.



AN

7

AN ANSWER TO THE PROPOSITIONS

MADE BY THE
ENGLISH AMBASSADORS

(as they stile themselves)

the ³⁰/₁₀ of March,

In the great Assembly of the High and Mighty
Lords, the States Generall of the
United Provinces.

AS ALSO,

To their *Memorials* of the ²⁷/₁₇ of April, and
²⁰/₁₀ of May 1651. respectively.

And likewise,

To the 36. Articles of the desired Treaty.

As it was delivered by the Honorable Sir *William Macdowel*
Knight, Resident for his Majesty of Great Britain, after
his return to *Holland*, in the said *Great Assembly*,

June ²⁸/₁₈ 1651.

Prov. 24. verse 21, 22.

*My Sonne, feare thou the Lord and the King, and meddle not with them that
are given to change.*

For their calamity shall rise suddenly, and who knoweth the ruine of them?

HAGH, Printed by *Samuel Brown*,
English Book-seller, 1651.

(2)

AN ANSWER TO the Propositions.

THe said pretended *Embassadors* have offered, and with-
all required a strict *Confederacy & Holy League* (as they
term it) betwixt the *Commonwealth of England*, and the *U-*
nited Provinces, alledging to that end,

- I. The ancient and successive Contracts,
and mutuall Friendship betwixt
both.
- II. The advancement of Trade and Traf-
fique.
- III. A Conformity in the Reformation of
Religion.
- IV. The like Successes and Blessings upon
both.
- V. An answerable change in the condi-
tion of both States; as likewise, in the
restored Liberty of the People.
Hinc inde.

Which specious motives, and inducements, viewed aright,
and laid in a just ballance, will appeare (by their favours) to
have no warrantable ground: For the clearing of which, the
High and Mighty States are desired to look back, and con-
sider:

I: That formerly, all *Contracts*, have been made, betwixt
the successive *Kings of England*, their lawfull *Heires*, and the
High

English Ambassadors Propositions. 3

High and Mighty States Generall, and not with *England*, as is
alledged: Not to look further back, the *Soveraignty* of these
Countries was offered to *Queen Elizabeth*, of happy memo-
ry, in the year 1585, which she in wisdom thought fit to de-
cline; but, withall, assisted the *States*, with 5000. Foot, and
1000 Horse, as likewise advanced to their *Lordships* before the
yeare 1596 in the space of eleven years, eleven hundred thou-
sand pounds Sterling, according to the calculation of her
Majesties Councillors, and high Treasurer for the time:

Her Royall Successors, *James* and *Charles*, of Immortall
memory, in the years 1608, 1614, 1635, respectively, have
not onely assisted these *States* in their great straits, in a very
considerable way, but also engaged with their *Lordships*, of-
fensive and *defensive*, and that without the least communica-
tion had with the people of *England* concerning it. And, if a
ratification of such an alliance, should be concluded with a fa-
ctious Commonalty here, and that they might at pleasure di-
sturb the Republick, and turn matters upside down, what an
Anarchy and wofull confusion would ensue, as now alas, we
see too plainly followes in *England*? Truly, if that people
had been so inclined, and governed, as they now are, (by those
who *Regni causa* have violated the rights; and to make pur-
chase of the *Lords Vineyard*, have murdered him, and oppose
with their utmost power and malice, the enthronement of his
lawfull Heire their undoubted *Soveraigne*) the *Low Coun-*
tries should not have obtained such reall friendship and ad-
vantage from them.

Besides that, the now prevailing Party is not the hundreth
part of the people in *England*, in comparison of those, both of
the *Clergie*, *Nobility*, *Gentry*, and *Commons*, who cordially
adhere to the *Kings* just interest, and passionatly groan to be
delivered from the continued oppressions of those cruell
Taskmasters, whose little finger lies heavier upon them, then
all their *Kings* whole loins:

And an eminent Member of the late House of Commons,
(formerly a sufferer) in his *Memento* affirms, that there is in
the three Kingdomes, ten thousand to one, who firmly and
affectionatly cleave to his *Majesty*.

In Kingdomes and Republicks (as *Politicians* speak) it is the very same people now, as those that lived an hundred years agoe; as likewise that it is the same ship, although all the planks be renewed; but if the Keel be destroyed, and the form of *Government* and *Fundamentall Lawes* be utterly abolished, *non idem populus, nec eadem navis*, it is not the same people, nor the same ship.

Moreover, by all proofs it is sufficiently known, that the *Predecessors* of the now prevailing Party in *England*, were then so mean and inconsiderable among the people, that they were thought utterly incapable of having the least hand in the former favours shewn to these *States*.

II. *Trade* and *Traffique* (which they call (the Common interest of a State) are *Juris Gentium*, common to all Nations; consequently, not to be carried on by *Monopolies*, and dammage of a third party, especially the eldest, and sometime the most considerable allye of this *Estate*. *Amicitias* (saith *Polybius*) ita institui par est, ne qua vetustior amicitia, & societas violetur.

It is remarked by most of the Authors of the *Netherlands History*, that their *Lordships Predecessors* upon a time, being more moved by the *Impositions* of the Duke of *Alva*, of the 10. and 100. penny *respective*, then for the violence offered to Religion, (and therefore compared to the *Gargasens*, who preferred their swine before their Saviour) were the more severely punished by God.

And shall the *High* and *Mighty States* now hazard their religious and high esteem in the favour of those, who in regard of Commerce, enlarging of their limies and usurped power, are big with such monstrous mysteries: and of whom it was said long before their troubles.

Gens tacitū pręgnans arcanis ardua tentans.

Who derive their power and authority meerly from themselves, as formerly hath been said, in the dominion of the *Chaldeans* over the *Jewes*, and of *Cinna* and *Carbo* amongst the *Romans*, who in the time of *Sylla* made themselves *Consuls* without any Court election: *Violenta imperia* (saith one to

to *Cesar*) *sunt magis acerba quam diuturna*. The rather because no Nation under the Sun is so subject to a change as *England*, even while they lived under their lawfull *Soveraignes*. The Earle of *Warwick* (called the *Titular King*) in eleven days, *Edward* the fourth in twenty, *Henry* the seventh in one day, (as a *Cesar* *veni, vidi, vici*) brought the *English* successively to their obedience.

Commerce and *Traffique* are plausible pretences, but often accompanied with great jealousies, especially betwixt neighbouring Republicques; the which like *Twins* struggling for the *primogeniture*, are in a continuall emulation for profit and preheminance. And therefore compared to an *Alluvie*, where the increase of one is the decrease of the other. Inasmuch, that grave and judicious *State/men* have judged it would be more safe, and profitable to these States, that *England* continued a *Monarchy*, then to be tumbled into a *Common-wealth*, confirmed by a *Prognostication* of a person of credit with them, living at *London*, given out the 16 of *October* last, alledging and applying with much confidence, against the *United Provinces*, *Ierem. 51. vers. 13.*

III. Concerning the pretended conformity in Religion in the third place, which, under the blessed and glorious Government of Kings, as a *Palladium* and Lamp, did out-shine all other Nations, is alas, now become a *Pandora*, out of which, *tanquam ex equo Trojano*, do issue so many monstrous Sects, Heresies and Blasphemies, and is consequently so deformed, (as being utterly destitute of *Discipline*, and differing in most points of *Doctrine*) that it is nothing like the Religion here professed, nor indeed Religion it self.

A good Religion, as an upright and lively faith, issues forth into good *works*; inasmuch that in the *Primitive Church*, the Christians were discerned from the Infidels onely by their holy life, according to the proverb, *Christiani non sunt Cassiani*; but alas, how many not onely *Cassii*, but also *Albii*, and *Nigri*, are now adays to be seen, witnesse, besides the *Treaties* intituled; *Defensio pro Carolo Rege*, *Vindicia pro capite Regis Anglia*, *Elenchus motuum*, *Master. Prinns Memento*, *Theatrum Tragicum*, *Vox Veritatis*, and others,

two Declarations also of the 18. of *January*, 1648. (long before that lamentable *Catastrophe*) by divers Preachers and learned Divines, in and about *London*, subscribed by 126 of them, mourning over, and complaining of horrible and scandalous abuses; as in the *Church*, so in the *Civill*, or rather *Military* Government, and strongly refuting their flattering of themselves in their continued success, which may next be considered of.

I V. For as *Solomon* saith, *That there be just men, to whom it happeneth, sometime, according to the work of the wicked: So again, there be wicked men, to whom it happeneth according to the work of the righteous.*

Successes often are a punishment, as sometimes given for a blessing, where onely those are to be valued, whose principall aim appeares to be, the true advancement of Gods revealed will in his word; which, as it strictly commandeth obedience to *Kings*, and those in authority under them, so it doth severely punish sedition and rebellion against them, not sparing the curse of condemnation to those, who comply with, and adhere unto them. Neither hath the great *Turk* come far short of (that undoubted blessing) good success, the now prevailing party justifie their cause, and measure its righteousness by, though they may seem to disavow him.

Finally, the resemblance made from the manner of the recovered liberty of both *States* (to use the expression of a great personage) is not more different then *Milk* and *Ink*, both in regard of the ancient condition of the people on both sides, and the way of attaining to it.

The *Low Country men*, (especially the *Batavi*) have been reputed by all ancient Writers, for a free people, neither subject to the *Romans*, (whom they did acknowledge onely *Civilli*, as *Tacitus* saith) nor to any *Directors*, *Counts* and *Governors*, which were constituted by themselves.

The *English* have more then a thousand years been governed by *Kings*, all sprung from the same Royal Stock, to whom they have successively sworn *Obedience* and *Loyalty*.

The King of *Spain*, after a war of almost eighty years, hath in two solemn Treaties (the one before the twelve years Truce,

Truce, and the other in the late concluded peace) acknowledged the *United Provinces* to be a *Free State*, and that *privative*. Whereupon his Catholique Majesty for himselfe and his Successors, hath disclaimed all *Pretences* of *Sovereignty* here.

Whereas *Charls* the first, that blessed Martyr (whose innocent blood (like that of *Abels*, cries loud to the highest Heaven for vengeance against those who now sit upon his Throne) not onely was, but was ever by them acknowledged for their lawfull Sovereigne, instead of disclaiming his Royalty over them, (as must be if the resemblance stand compleat) was both destitute of his power, deprived of his life, and his Princely Successor (so far as in them lieth) kept back and disenabled from the exercise of his undeniable power over them, whereof let them find an absolute parallell from the *Creation* untill now.

In *Israel* King *Ahab* did tyrannize, and (as a man sold unto sin) above others provoked Gods wrath against him. In *Rome* there was *Nero*, more like a Monster then a Man. Amongst the Christians, *Christiernus* in *Denmark*, *Wencelans* in *Bohemia*, (who was likewise Emperour) behaved themselves so wickedly, that it was said of them, that they had cast off humane nature; Nor much unlike to them was *Richard* the third, called the Tyrant of *England*, yet none of all these was ever condemned to die by the sentence of their subjects: In so much that it is observed, that the *Israelites* after they had deserted their King *Rehoboam* (although an oppressor) never enjoyed a happy hour, but were infested with continual wars, both civil and forraign, til at last they were utterly destroyed, and carried captives into *Babylon*.

Of *Nero* it was said, *primum dampnati Principis exemplum, Iadde postremum, non mactati tamen*, as in this case. The *Confederate Provinces* were first forced in their Religion, their persons and goods seized, and 100000. of them killed; The prevailing party in *England*, (after those insolent and high affronts done to his Majesty, ere his constrained removal from his Court at *White-hall*,) took up *Arms*, gave out *Commissions*, levied men, according to his Majesties last true and undeniable

undeniable words) and seized upon the *Regalia*, before He once put himselfe into a posture of defence.

In the *Low Countries* their liberty was *Mores Majorum*, fully restored to them without prejudice to any man.

In *England Religion* and *Liberty* are shamefully trampled under foot, and the House of Commons so dismembred, and its priviledges violated, that the eighth part of ten, were beyond all parallel cast out, as the *Declaration* and *Protestation* of the seclused members, Feb. 13. 1648. doth testifie.

The proceedings of the High and Mighty States, are approved and justified by all the World; on the contrary, those of the *English* condemned and abhorred, and by themselves confessed as irregular and unwarrantable; a most pregnant proof and *probatio probata*, of their wrong, as is contained in the said *Declaration* of the Ministers.

The which premises the High and Mighty States, being pleased to take into serious consideration, according to their accustomed wisdom and justice, and calling to mind those divers Treaties betwixt the Kings Royall Predecessors, and their Lordships, (in his Majesties person yet firmly standing.) And seeing likewise divers of their Lordships resolved for a punctuall observation of a neutrality, since the yeare 1642. betwixt the late King, his Majesties Father of blessed memory, and his Parliament, the which by the partiall confederacy with the one party, now laboured for, wil in all appearance be violated and infringed.

Therefore their Lordships are earnestly intreated not to hearken to the said Propositions, as being prejudiciall to the King my gracious Masters interests, and dangerous to this State; likewise that the acknowledging them for a free Republick, (which possibly the condition of the times, and benefit of Trade, hath occasioned,) be not drawn into a further consequence, much lesse an occasion given therby, (forgetting *Iosephs* sufferings,) that the afflicted be yet more afflicted, their Liberty retarded, and their calamity lengthened.

His Majesties affairs (God be praised) are yet in a very good and hopefull condition, farre better then some of his Royall Predecessors, who have notwithstanding run through
all

all difficulties, and became considerable to their friends, as formidable to their enemies.

King Robert the Bruce, about three hundred years agoe, being likewise by the Rebellion of his subjects, and the disloyaltie of the Baliol and Cumming, and their adherents, fiercely assailed by King Edward of England, who at once was possessed, of most of the Towns, and strengths in Scotland, kept a Parliament in Saint Andrews, took his Queen prisoner, killed four of his brethren, amongst whom were those *duos fulmina belli*, defaced or removed all the Monuments, and Registers of that Kingdom, was constrained with one or two servants to hide himself among the Hills, yet notwithstanding all this, in a short time after, recovered his whole Kingdom, was Crowned with Honor, and Glory, and forced his insolent Enemie in confusion to fly from Sterling to Dumbarr, and thence in a Fisher-boat, (*Xerxes* like) escaped narrowly with his life. I say Sterling,

Invisum, & fatale Scotorum propugnaculum:
Of which 'tis said:

Hic latium remorata est Scotia cursum.

His Majesties Royal Grand Father, Henry the fourth, King of France and Navarre, (yet of fresh memory) was in a lower condition, and had less power to resist those of the League and the powerfull King of Spain; yet at last became victorious, in the overthrow of his enemies, to the great advantage, and very considerable succour of the Netherlands.

The distressed condition of the Predecessors of the High and Mighty States General, whom after so many changes the Almighty God hath (to the admiration of the whole World) brought into a safe Haven, (however *Sirius* a Spanish Writer jesting with those of Holland and their confederates, did say, *What can the Hollanders do against the King of Spain?* as, now, some scoffingly aske, how can the Scots stand against the powerfull English?) Is an eminent, and visible example, that it is all one, with the Lord, to help with few or with many, and that when all strength, and humane hopes do fail, he will arise Gloriously, for the deliverance of the righteous, crowning them in the end, with honor and good success.

C

I. Shal

I. Shal we then look upon the present successes; and prosperity of that party, as alone unchangeable, for the which such strange grounds are by them pretended, as are no where found, being so *Diametrically* opposite, according to the Declaration of the said Divines, in, and about *London*. TO

- I. Gods holy word.
- II. The instinct of nature.
- III. Natural reason.
- IV. The Laws of all Nations.
- V. The constitutions particularly of the Kingdome of *England* (who above all other people most obsequiously, and affectionately regard and reverence their Kings) as in those maxims of their Law. *Rex non moritur, Rex nulli facit injuriam, &c.*
- VI. The Judgement of all Casuists.
- VII. Their Oaths of Fealty, Supremacy, and Allegiance, repeated particularly at the admission of every Member into the House of Commons, their Protestation, their Covenant, their Solemn League and Covenant, and an hundred Declarations (besides the Pulique Faith of the Kingdom of *England*, solemnly given to the Commissioners of the Kingdom of *Scotland*, upon their receiving his Majestie at *New-Castle*) in all which, they professed to the world, that they would

would maintain and preserve, with their lives, and Estates, the Kings Person, Honor, Rights, and Royal Posterity:

II. Or, shall we rest satisfied in the Sophistry of those Sectaries? who out of Christs answer to the subtil question of the Herodians and Pharisees, (if it were lawfull to give tribute to *Cesar*,) answered, *ostendite mihi numisma, cujus habet imaginem?* inferre, that *sic implicita*, the party now in *England*, is to be acknowledged, without any further enquiry, or examination, since our Saviours answer speaks nothing for their advantage. But on the contrary, his commanding Tribute to be given to *Cesar* (whom the *Jewes* formerly acknowledged to be their King) confirmeth, and establisheth lawfull power, and consequently condemneth sedition and rebellion; else *David* should have submitted unto, and acquiesced in the usurped power of *Abolom*, who was possessed of all the land, even unto *Jordan*, and carried away all *Israel* after him, and *Solomon* in the power of *Adonijah*, *Iehoiada* in *Athalia's*, and the *Machabees* in the power of *Antiochus Epiphanes* the grand enemy of the *Jews*, yea the Estates of the United Provinces should have then obeyed the force of the Duke of *Alva*, who by the emblem of his Statue formerly set up in *Antwerp*, did signifie that he had invested himself with the absolute power. It is well said, by one of the Ancients; *Omnis potestas est à Deo; sed acquisitio potestatis, furto, rapina, incendio, aut perduellione, non est à Deo, sed ab hominum affectibus & Satanae malitia.*

III. Or, may we suffer our selves to be abused by the examples and presidents, which the said Sectaries alledg of the Kings, *Edward* the second, and *Richard* the second, who, by reason of their incapacity, were forced to resigne their Crowns, the one to his son, the other to his Competitor King *Henry* the fourth, but neither of them to an inconsiderable,

nable, small remainder of an house of Commons, or the People. Onely in a full Parliament both their resignations were confirmed, and neither executed, but were alway afterwards honorably entertained; yea, one Roger Mortimer (which is worth the observing) the chief Author and actor in deposing of Edward the second, and Crowning his son Edward the third in his fathers place, (according to which President his Majesty, Charles the second, ought by these to have been Crowned) was by a Parliament four years after, together with his fellow-murderers, condemned as a Traytor, and enemy to the King and Kingdome, because he killed the said deposed King in Berkley Castle.

Besides, the now prevailing Party, by Solemn Protestations, did publish and declare to all the world, that they did not intend to follow those accursed Presidents, although they should suffer never so much by the King and his Party: *Exalt. Collect. p. 9.*

IV. Should we not rather deeply apprehend, and with fear look upon those exemplary punishments inflicted upon perjury, and Covenant-breaking in Gods holy word, as may be seen (to omit others, in the person of Saul, who together with his posterity, as also the whole Kingdome of Israel, was so severely punished because he destroyed the Gibeonites, against the Covenant made with Joshua, above 200 years before, notwithstanding they procured the same deceitfully. As likewise in the History of England, and other Kingdoms, many pregnant examples to that purpose might be alleaged; particularly that of William Thorpe, Chief Justice of the Kings Bench in that Realm, who for taking a bribe of 80 pounds Sterling, was put to death, and all his goods confiscated to the Kings use, in regard that in so doing he violated the Oath of a Judge as the words run, *Quod Sacramentum Domini Regis, quod erga populum habuit custodiendum, fregit malitiose, falso & rebelliter.* Parl. 23. Edw. 3^d.

An

An Answer to their Memorials..

THE Memorials I pass over, as monstrous, and which by inevitable consequence, not onely tend to cut off all Treaties and alliances betwixt the Kings Majesty and this State, and all commerce with his loyal and faithfull Subjects, but likewise in some cases to the not suffering of them to dwell or reside in these parts.

A demand which is against the band of common society amongst men, the Sovereignty of the united Provinces, and Liberty of the same, which have ever been a Sanctuary for honest men, and a receptacle of all Nations whatsoever: In a word such, *quale victor victo dare, non socius socium rogare solet.* The cruelty of Tiberius, Nero, Domitian, and others hath for the most part been confined within the walls of Rome, or the borders of Italy, without persecuting their opposers, in a strange land as an, *omnibus umbra locis adero.*

Concerning the thirty six Articles of the Treaty.

The thirty six Articles evidently bend,

I. **T**O hinder his Majesties Just Right, and Restitution on to his hereditary Crown, and Kingdom of England.

II. To involve the High and Mighty States Generall in a Labyrinth and great inconveniencies, who at present have no enemy.

III. To encourage and strengthen the Kings irreconcilable enemies, and Rebels, as the 4, 5, 6, and 31 Articles doe import.

IV. Against the forementioned resolutions of the High and Mighty States, in the year 1642, concerning the keeping a Neutrality betwixt his Majesties Father of blessed Memory,

memory, and his Parliament of England, namely those of the 1 of November, and 30 of December 1642 and the 6 of November 1648.

V. Against a Declaration and Protestation of the Noble and Mighty States of Holland and West-Friesland, dated the 6 of November 1649 to the same purpose.

VI. Against all former Treaties, and Alliances betwixt his Majesties Royall Predecessors and this State.

As amongst others, that of the 14 of February 1593 (likewise consisting of 36 Articles) betwixt King Henry the 7 of England, his Heirs and Successors, made in his name, and by his Authority (as the words of the said Treaty do bear) and Philip Arch Duke of Austria, and Duke of Burgundy, which binde and oblige to this very day, divers of the United Provinces, and the chief Members and Towns thereof, to assist the said King Henry the 7 and his Heirs (which unquestionably pleadeth for my Master, Charles the second, he being the sixth from him in descent in *linea recta*) and to afford them all favour and friendly assistance, as well by Sea as by Land, and prohibiteth any Treaty and Alliance to be made with the Rebels, and the Enemies of one another.

Whose undoubted right, according to Gods sacred word, the Lawes, and the Fundamentall Constitutions of the Kingdom of England as, (*Rex non moritur, &c.*) is firmly radicalled in his Majesties Person, however he by violence be kept from it.

*Non unquam perdidit ordo
Mutato sua Jura loco.*

In so much that the ancient Romans by the light of nature did refuse to enter into any Alliance with Nabis the Usurper of Lacedaemon, but continued the same with the Just and lawfull King Pelopides. *Amicitia & societas nobis nulla tecum est* saith Tit. Quintius in the behalf of the Roman Empire, *apud Livium lib. 34.* Sed cum Pelopide Rege Lacedaemoniorum iusto & legitimo facta est.

Finally against the renewed Treaty in the year 1550. December 15. made at Bins in Henegow (called the Perpetuall Treaty)

Treaty) betwixt the tutors of Mary Q. of Scotland, in her minority, and Queen Mary of Hungary; Regent for Charles the fifth in the Low-Countries, renewed again in solenni forma (word by word) at Edinburgh 1594. betwixt King James the sixth and the High and Mighty States, after the Baptisme of the Late Prince Henry, his Majesties son, celebrated at Sterling.

In the which it is promised and agreed upon, *inviolably to maintain and preserve mutuall friendship one with another, for all ages to come, and as farre as in them lay, to prevent, and hinder any dammage that may befall either of them, that they shall Traffique in safety and security, and likewise, that they shall assist each other with Ships, and all sort of Ammunition, as may be seen at length in the Treaty it self, inserted by Peter Borr in his 30 book.*

But how opposite this is to their 4. 5. and 31 Articles propounded to your Lordships, appeareth clearly out of the words there contained, where they not onely deny to the King and his Subjects, *privative*, all favour, friendship, and provision of War, but likewise endeavour to oblige your Lordships, *De facto*, to infest and make war upon them, as having now no other Enemies (as they themselves give out) but Scotland.

But expecting better things of the High and Mighty States, and a Religious observation of all Treaties, Resolutions, Protestations, and Declarations; Your Lordships are intreated not to give ear to the said Propositions, and Memorials, as also that the said 36 Articles perishing in their birth, may not be taken into any further Consideration.

The Lord will reward every one according to his works, and I wish that he may ever blese the High and Mighty States with his Fatherly Protection, and keep them from contracting any League and Alliance, which may be attended with Dishonor and Dammage unto them.

THE END.

ANIMADVERSIONS
UPON A CERTAIN
SCOTTISH
ANSWER,

SET FORTH AGAINST

The { Propositions
&
Memorandums
OF THE
English Ambassadors, &c.

SERVING
For a right Information of the
plainer Sort.

ROM. 13. 1.

Let every Soul be subject to the Higher Powers : For there is no Power but of GOD, and the powers which are, are ordained of GOD.

PROV. 24. 21.

Fear the King, [that is to say] All Magistrates.

Written and printed first in Dutch by a Gentleman of Holland, and now translated into English.

London, Re-printed 1651.

Animadversions

Upon a certain *Scottish* Answer, put forth
against the *Propositions* and *Memorandums*
of the *English Ambassadors*, &c.



He *Answerer* hath this expression in the Title of his Answer, [*By the English Ambassadors, as they stile themselves*] just as if no body else did acknowledge them for such. Such an untruth appearing presently in the Front, makes every one guesse the House is alike furnished within. Not they themselves, but the K of *Spain*, the K. of *Portugall*, the State of *Venice*, the Duke of *Florence*, the Republick of *Genua*, doe thus acknowledge them. And the *Answerer* himselve knowes very well, that the supream power of this Place hath done the same.

From the Text, *Feare God and the King*, the *Answerer* would fain inferre, that they ought both to be feared in one and the same degree, taxing thereby this very State as much as the *English*. We must fear God more then men. The King is a man: the *Scots* themselves did understand it so, when as in the late troubles they persecuted their King by warre, and at last delivered him up unto the *English* for money; as the said King himself professeth in the 23 Chapter of his printed Book of *Meditations*.

In the beginning of the Discourse the *Answerer* alledges, That the ancient Contracts and Friendships were not made between *England* and this State, but between the Kings of *England* and this State. And wherefore saith he not, between the Kings of *England* and *Spain* respectively? but that he is convinced that State, that is to say, the Representatives of the Countries, and the People, are * the *Bride for whom is danced*, The King or Prince is for the peoples sake, not the people for the Kings sake.

The King of *Denmark* said likewise in the beginning: He and

to the English Ambassadors Propositions. 19

and his Predecessors had contracted with the Duke of *Burgundie*, with the King of *Spain*, not with the *States*; he knew no *States*, and denied any treaty with them. But his Majesty hath been better informed since, having of his own accord often desired a Treaty with these *States*, as other Kings and Potentates have done, who thereby doe and must acknowledge, that a King or Prince doth and ought to do all in dealing, creating, or transacting, *pro populo, pro salute populi*: For the people, for the weale of the people (which is the supream Law) not for himselve. That the name of the King or Prince is used therein, no otherwise but *Nomine procuratorio, vel tutorio*, as a Trustee, or Guardian: So their Lordships the *States* understood it also, when on *May 2.* last past, they presented unto the *English Ambassadors*, the ancient Treaty of 1495. made in the Names of the King of *England*, and the Archduke of *Austria*. King *James* of *Scotland* implied as much when he sought in *Anno 1594.* to renew the old Treaty (with the *States* Generall) formerly made in the name of Queen *Mary* of *Scotland*, 1541, which agreeth in every respect, with the practice of all other Princes.

The *Answerer* saith, That the *States* in *Anno 1584.* did offer the Sovereignty of these Countries to *Q. Elizabeth*. To what purpose he utters this, I cannot imagine; For, it will not follow thence, that this State cannot be allowed to treat with the State of *England*, though there be no King; since the said Queen, and the Kings after her treated with us, even after we had cast off our King, as the *English* have now done theirs:

If this State made offer of the Sovereignty to *Q. Elizabeth*, doubles it was on certain conditions; which if she or her Successors had not kept, we should not have scrupled to have recovered the same into our hands again, even as the *English* have don. Among the *Barbarians* and *Savages* it is conselt indeed, that their Kings will be bound to no Laws, (though oft-times they fare accordingly: For, how many have there been even in our times, of *Turkish* & other Heathen Emperours & Kings made away?) But among *Christians* no King or Prince was ever heard of, but he must swear to maintain the Laws. If any

* A Dutch phrase.

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Prince prove perjured and break them, so soon as the breach is made, the people are freed from their obedience.

The supply both of men and money which the *Queen* sent for our relieve, came from the people themselves, and out of the peoples purse; the people did consent unto it, and grant it. *Untrue* therefore it is, which the *Answerer* affirms, that the said succour and assistance was sent without the co-operation or consent of the people of *England*.

If the people of *England* had any Monarch at this instant, to whom they had given up the power of Treating, then our addresses of Treaty should be made to him; but there being no such thing, and we not able to subsist without the friendship of *England*, therefore we must treat with *England* as it is now governed.

And truly the late Summers proceedings and attempt in this Countrey, (when our own Freedom ran greatest hazard) may well awake us to circumspection, and cause us to rejoyce that *England* is no Monarchy now, but a Free State, of the same constitution with ours, and to wish that thus it may continue; For, all the dependants and kindred of the young Prince of *Orange*, maintain still, we ought, must, & are bound both by the merits of the House of *Nassau*, and for our own subsistence sake, to take the young Prince again for our Head, Generall and Governor: And were the King of *Scotland* master of *England*, he would maintain it as strongly as any, and seek to force the child upon us.

As for the favours and assistances that King *James* and *Charles* afforded us, they do not merit naming; we had more hurt then good by them. And King *Charles* never kept touch with us, as is well known. If in those times the people or Parliament had been in Government, as now they are, they would have better managed the Revenues of *England* (which Kings waste, or play away) to procure our effectually liberty, such as now both *England* and we enjoy, but not after the method that *Leicester* intended.

The *Answerer* saith, that the prevailing party make not up the hundredth part of the people of *England*. Why truly then the *Ninety-nine Royalists* that suffer one *Parliamenteer* to domineer

to the *English Ambassadors Propositions*. 21

mineer it over them, must be very notable Cowards.

I am sure there were seven or eight *Royalists* at the *Hague* made a shift to dispatch one *Dorilaus*, and at *Madrid* onely five or six did murder *Ascham*; but an hundred to be overcome and kept under by one, how is it possible? This Tale hath for these many years been pin'd to our sleeves; yet still the *Parliamentees* get the better, and keep the better.

Englands greatest Power, the flower of the *Parliaments* Forces, is now in *Scotland*; I marvell the *ninety-nine* to one are so tame and quiet still in *England*; as nowhere to shew themselves.

The comparison of *England* with a ship, doth hold as good a proportion as the *ninety-nine* to one. The *English* people and Nation is and abides the same it was; the individuals decay, the species remains. A Ship and a People fit as well as a Cat and a Duck; but I conceive the *Answerer* means the Trees whereof the ship is built: for they do propagate and multiply according to their kind, like men, and that is more sutable to the opinion of some soothing Court-Parasites, such as our *Answerer* proves himselfe, that subjects are no otherwise then trees: others compare them to beasts, as if a Prince were so much better then the subjects, as another man is better then a beast: that is to say, The beasts are beasts to men, but the subjects are their Princes beasts; A beastly opinion.

The entercourses of Commerce, saith the *Answerer*, are common to all Nations; Why then the King of *Scotland* doth very ill in stopping and molesting the free and common commerce of all Nations from the *Sillies*, *Iersie*, *Ireland*, *Dunkerke*, &c. to so great prejudice of the Seamen, that the damage in this kinde can no longer be endured. The *English* have the same aim with us, for clearing of the sea. I cannot tell what he means by his *Gargazens Trade*. Navigation is the life of this State: Religion and Trade doe not destroy one another, as it seems he would inferre; and how doth he talk of Religion? He himselfe is professedly against the Episcopall way (which all the *Royalists* and the *Princesse Royall*, and the *Queen of Bohemia* are still addicted to) and holds with the *Presbyterians*; with whom our own people (for matter of
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Excommunication and Discipline) do not agree. He saith farther, *Violent Governments are not lasting*: By that rule, no *Monarchicall* Government should be lasting; for their Sword onely doth support them. He saith *England* is subject to great alterations, yea, more than any Countrey under the Sun. He means under *Kingly Government*: But by and by he sowes jealousies, by saying, that *England* continuing a Commonwealth, it is like to increase mightily in Trade and Navigation, and that the increase of Trade in *England*, will make ours to decay in *Holland*. These assertions do mightily thwart one another. First, he says; There is 100 *Royalists* to one *Parliamentier*; then, *England* is extremely subject to changes and alterations; within the space of 11 or 20 days, it hath been lost and won; and then presently after he saith, *England* continuing a Republicque, will make our Trade decay. Ergo his minde and fear prompts him, that the *English Republicque* may well endure somewhat more then 11 or 20 days. These Passages of his contradicting each other, are an Argument of a short memory, or that he goes about to abuse us with *slim flam* tales. For, how doth it appear that our Trade shall be spoiled by the *English*? They send and offer us reall assistance and protection against the manifold depredations we suffer by others.

If both these Republicks were well united, yet the number of Monarchies round about them, will finde worke enough for both to maintain their Negotiations jointly: How much less then is *England* alone like to get all the Trade to themselves? The *English* may be struggling a good while yet, before a secure settling; they will not want enemies at home and abroad, to make attempts upon them; as the Answerer himself confesseth.

The Prognostick of *October 16* which he speaks of, is an insinuation of the same nature with those Victories, successes, and advantages which he daily forged, and printed here last Summer, which by the Blow at *Dunbar* evaporated all immediately. Those that tell us of *Almanacks* and *Prognosticks*, shew they have but few and slender Reasons left them to produce. I could reply to him out of *Spinrock's* Gospel,

Religion,

Religion, saith he, was wont to shine forth under the *Kingly Government*. How comes this Answerer to praise the *Kings Religion*, when as himself as well as the rest of his *Scotts* Countreymen, have not onely made the first insurrection against the *Kings Religion*; but entered into a Covenant and raised war, and at last sold the King for money (according to the *Kings* own published profession; Principally against the *Kings Religion*, or against the innovation thereof at least. And what the King said further of the *Scotts Religion*, and consequently of the Answerers Religion, you may read at large in the 14 and 16 Chapters of his printed Book. It is well known what harsh and bitter Sermons and Books were made but lately at *Breda* and the *Hague*, against the *Reformed Religion*, whom they still hatefully termed *Calvinists*. Are there in *England* divers Sects? there are here also not a few, God mend it; and even as the *Governors* here would gladly see it otherwise, so likewise those in *England*; in the meantime, we are assured, that in *England* divers books are forbidden, and were burnt by the *Hangman*, which here passe up and downe yet every where.

The Ambassadors have in the Name and behalf of the whole *English Government*, declared the Conformity of their Religion with ours. They tolerate some others; and so do we; onely we allow more and greater toleration then they: Neither we nor they approve of a *Spanish Inquisition*.

They do not allow the Church an absolute power of Excommunication; no more do we; and the *Scottish Kirk* also was faine to remit it now themselves. So that the *Presbyterians* rage and roaring against Sects and Sectaries is groundless; for between themselves and the *Independents* (so named) there is no difference in the main of Religion, or profession; besides Discipline; but it should seem the *Presbyterian Bontefous*, aim at a *Papall Power*, to administer the *Fus Clavium* at pleasure, as the *Scotts* have: But their young King hath already taught them another Lesson; disapproving thereby also the *English Presbyterians*, It were much

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much to be wished indeed, that all men were of one minde; that there were but one Religion: Our *Answerer* I believe knows as little how to advise or compass it, as others. Nay, he himself refusing to go to the same Church where the King went, during his abode here, and the Queen of *Bohemia* and the Princess Royal, and all the Royalists, doth thereby sufficiently evidence, that there are sects and divisions, as well between his party and the Kings, as there is between the *English* and the *Presbyterians*. That which he mentioneth of the good life of his Royal Christians, I profess, I understand not: If by a good life he means, a merry, joviall life, (*dum vixit, vixit bene*) I yeild, that at Court they live more merrie and frolick then elsewhere; and thence it is, that at *London* they have put down all the Play-Houses, and such like places and practises of profane and scandalous recreation. That otherwise the life and fruitfull Conversation of the Royalists should be more holy and exemplary, then that of the *English Independents*, as they call them, I never heard of before. Were they not the Kings evil Councillors, his flatterers, and seducers (whom I return to the *Answerer* for his *Albii, Cassii, Nigri*) that made as well the *Presbyterians*, as the rest, complaine so much against him from time to time?

And I pray, were not the *Presbyterians* the first and the onely men, that took the King to task? The *Answerer* himself was one of them, and of those Covenanters, that supplanted the King, for his maintaining the *Episcopal Hierarchie*: And when the *Presbyterians* afterwards went about to introduce the *Presbyterian Hierarchie* (changing onely the Name, and maintaining the Substance) then said the others whom he calls *Independents*, Soft my Masters; we have freed our selves from the Bishops Yoke; shall we put our necks under the *Presbyterians*? The *Answerer* alledgeth some other books which make for him. How many other blew books might easily be produced against the same, and to his prejudice?

The King himself complains in his book *ch. 15. and 21.* how much hurt these books did him; so that I know not why the *Answerer* so highly esteems these blew books, and that

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that publickly in print too now, as well as in the *Generall Assembly*; odiously checking the Sovereign Government here, for having begun to treat with the *English*; and presumptuously spreading the same abroad among the *Commons*; as though the *Magistrates* were regardless of their Office; and as if he intended to incense and raise the *Commons* against the *Governors*; contemning the publick *Obdiances* in this behalf. As for the *Successes*; the *Answerer* knows well enough that several other Kings, Republicks, Princes and Potentates had beforehand acknowledged the Republick of *England* and honored the same with their *Ambassies*, and *Credentials*: And *England* also sent first unto this State, before this State sent to *England*. We have not looked upon the successes, but upon the Example of others.

The *Answerer* saith, that the *English themselves* do disavow the great *Turk*: Again, the *Gentleman* throwes it beyond my reach, or he knows not what he avers himself. I never heard of any such Disavowing; but this I know well on the contrary, that all *Christian Potentates*, acknowledge the *Turk* for what He is, and accordingly honor him with their *Ambassies*: The *Answerer's* King himself, scrupled not to send to the *Turk*; no more doth the *English* Republick. Men, Laws, Governments, must every where be taken and used as they are. As long as the *Answerer* and his King are forced to let the Government remain as it is, so they must give us leave to do the same.

The *Answerer* saith, that there is as much difference between the *English* Government and Liberty, and that of ours, as there is between *Milk* and *Ink*, according to the saying of one *Salmasius*, calling him a great Personage. Sure the *Answerer* knows well that *Salmasius* his Book, where he had this crotchet, is publickly declared a Libell and scandalous here. Do great Personages use to write Libells?

Furthermore, He saith, That the *Batavians* or *Hollanders*, have been a Free Nation from all Ages, and under the subjection of none. Certainly he is a dreaming; or else he hath the art to make white black, and black white, at pleasure: or, *Milk* and *Ink* is all one to him. What, hath not

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Holland

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Holland been under Earls above eight hundred years? And lastly, under the House of *Burgundy, Austria, and Spain*? Indeed the *Earls* were tied to *Laws*, and so were the *Kings of England*; if he say, an *Earl* is no *King*; I answer, *England* is divided in more then fifty Counties, or *Earldomes*; so *France* is divided into many *Principalities* and *Counties*: He that gets the command over them, soon gets a Title, *King, Prince, Earl, or Lord*; it comes all to one, if they have no *Superiours*. But all of them are bound to their *Oaths*, and the *Laws*. Neither in *France*, nor in *Spain*, nor anywhere else, are *Kings* allowed an unlimited power. The Examples in *France* are too fresh to rehearse them.

The *Kings of Spain* have been *Earls of Holland*, and acknowledged no *superiors*; now being freed from *Spain*, there is none appearing that pretend any right to *Holland*. Nevertheless he was bound to the laws by an oath.

So the *King of England* was *Earle of Essexshire, Suffex, Yorkshire*, and of all the rest, compendiously called *King of England, Scotland, Ireland*, but bound to the *Laws*.

They of *Holland* perceiving their *King* had infringed the *Laws*, thereupon they opposed him, and fought themselves free; *Bene & feliciter* (saith the *King of Spains* Embassador Count *Pigneranda*) *pro libertate pugnavit; ea vobis debetur*. The *English* in like manner perceived their *King* had trespassed against the laws, and falsified his oath, whereupon they opposed him til they fought themselves into the same condition of *Freedom*.

I could say somewhat more here: That the *King of England* out-did *Spain*. He of *Spain* had sworn to the *Roman Religion*, and conceived himself bound to protect it according to his *Oath*: but the *King of England* being sworn to the *Protestant Religion*, is charged to have acted against it, innovated it, and had he gotten the mastery, would have changed it.

That this Assertion (owned as well by the *Scots* as the *English*) is most true, appears by the *Covenant*, first made by the *Scots*, and afterwards embraced also by the *English*: Look upon *Chapt. 14. of the Kings Book*, see what he saith there himselfe of the *Covenant*: Again, the *Covenant* very expre-

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ly shewed, that the *King* had an intent to alter *Religion and Laws*. The *Answerer* himselfe was a *Covenanter* and *Parliamenteer*, and blew as fiercely and zealously as any against the *Kings* designe of *Innovation*, as they termed it. The second and third Article of the *Covenant* speaks very plain. And there have been a thousand books written both by the *Scots & English Presbyterians* on that subject. Nay, the *Scots* themselves have even since the late *Kings* death, excommunicated all that had and did adhere to the *King* (calling them *Engagers*) and declared them *Given over to the Devill*. And for this cause they put poore *Montrosse* to death, and refused him *Absolution*. And what afterwards the *King* himself, and *Hamilton, Middleton, Lauderdale, & others* of this party, have suffered, is notorious to all the world. Also, how this *King* was faine to do penance, and to confess the bloud guiltiness of his *Father's House*. How ever, all the difference betwixt the *Kings of England, and Spain*, was only this; that He of *England* did more, and He of *Spain*, less against the Religion that each of them was sworn to.

It is well known, that the *Scots* were the first, that made a *Covenant*, and thereupon took up arms, even as the *Nobility* heretofore in the *Netherlands*, made a *League or Union*, and took up arms to defend it. The *Scots* having cleared their own Land of all the *Royall* designs and adherents, were not content therewith, but proceeded to assist the *English*, who were as eager to be rid of the same incumbrances. Which being effected, and the *King* brought to this pass, that he saw no remedy left him, then he betook himself to the *Scots* at last, his own Country men, as confiding more in them. Why did not the *Scots* then take him home along with them? They said, it was not expedient; the *King* might easily put *Scotland* into new broils, as the *English* found afterwards among themselves; for then broke first out those differences betwixt *Presbyterians* and *Independents*; the former would have a new *Hierarchy* introduced, like that of the *Scots*; the later would have the *Reformed Religion* maintained, as it now stands among them, only they would bear with tender consciences, and some others, as wee doe likewise here.

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The King of *Spain* hath given up his Right, and acknowledged this a *Free State*: had the King of *England* done the like, or would this King content himself yet with the *Scottish* Crown, as his Fore-fathers did, the war would soon be at an end. And herein *Philip* shewed himself more reasonable and righteous, then *Charles*, whom nevertheless hee styles, that *Blessed Martyr*, so highly wronged and persecuted, not remembring, at least concealing, that they were the *Scots*, who began this violent dealing with him. But none of this concerns us, nor can we help it. If the *Scots* vwill begin troubles and war, and the Neighbour Kings and Potentates, will wink at it, vwhat is that to us?

What is farther said by the *Answerer*, about the Kings death, concerns not us of *Holland* at all. If a King wageth war with his subjects, he must needs resolve to run the hazard. Kings and Princes are flesh and bloud, and mortal as well as others. As much might have been done in a Charge by the Sword of a private soldier, as was afterwards by the hand of the Executioner. The Quality or Majesty of a King or Prince, is of no consideration to the steel or lead of the meanest soldier, & nostro sequitur de vulnere sanguis. *Majestate nihil contemimus, nec infirmius, si sint qui contemnant. A living Dog is better then a dead Lion.* A Pesant, owner of some Land, is better then a King, vwithout Land. He that vwill not submit himself to the Discretion of a Conquerour, should not runne the hazard of being conquered. The Conquering party saw no other Expedient, no farther trust given; even during the Kings restraint, there was faction upon faction, division upon division, insurrection upon insurrection raised. The meanest creature, the poorest worm seeks for self-preservation. How much more a Man? If there had been any means left under Heaven, whereby a firm confidence could have been recovered, it is very probable, the Prevailing party would have yeilded to it. But to put all their Fortunes, Reputation, Freedom, Life, and Being, upon a new hazard again, no Reason could advise them.

Now, as to the matter of deposing, and destroying of Kings, it is so common, both in *England* and *Scotland*, that

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I admire, why the *Answerer* makes it so strange and prodigious. But all these things are so largely set forth in printed Boooks and Pamphlets, that the *Answerer* hath little reason to make a wonder of it. *Omnia jam vulgata.*

To make an alliance with *England* were unnecessary if our Commerce and Liberties were not in danger. We are bound to look to their preservation. The Depredations are unsupportable! We do not afflict the afflicted; but those whom he calls the afflicted, afflict us.

As for the affliction of *Joseph*, we know not what it means, unless he make *Joseph* a Cavalier; and under that notion the *Scots* themselves were the first that persecuted him. And that party in *Scotland* which the *Answerer* himself doth esteeme the honestest, viz. the Kirk-party, they abhor the Royalists, calling them Malignants. The English Ambassadors have declared here in their first Proposition, they came not out of necessity, but to shew, they were willing to choose this State for their best friends. They have not desired to ingage us against the *Scots*. But it is well known both to them and us, what practices and mighty indeavours, the Royal party hath used these many years to ingage this State against the Parliament, now the Common-wealth of *England*. What partial proceedings were there a foot? All that came from the King, had audience at pleasure; the Parliament none. The States-men of war, were (though mostly besides the States knowledge) employed in the service of the King and his Party, as if they had been his own. What would have been the issue think you, if they had ingaged us to make war against the Parliament, but to sacrifice our Power, our Treasure, our Freedome, for the enslaving both the Parliament and our Selves? Is it forgotten already, what past here among us last Summer? Had *Amsterdam*, and the Bank of *Amsterdam*, been but surpris'd once, nay, had but one man continued alive, we should have been in a case sad and bad enough.

After that this danger was over, and we had called the Grand Assembly together, for the settlement of our Freedom, they acknowledged the Common-wealth of *England*, and

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and resolved to send an Ambassador to them; the Parliament shewed themselves so honourable and civil, that they prevented us, concurring with our own desires, of settling both these *Republicks*, in a posture against all that should at any time attempt ought against them. They considered who was their present Enemy, and how near the King of *Scots* was allied to him, that by his late practises disclosed so much of his Designs against *Holland*, *Amsterdam*, and the whole State. Also what special correspondence there past between these two, to reduce both *Republicks* to a plenary Subjection. Afterwards when the *English* had gotten the start of their Adversary, by the great Victory at *Dunbar*: Then it is to be observed, that they came out of a cordiall zeal and affection to deliver us likewise, and to further the settlement of our State, and by an union with them, render us secure at home, and feared abroad. How, and by whom the effect thereof hath been protracted hitherto, is well known; namely, by those who still are Preaching to us, that we should submit our selves under the young Prince of *Orange*; that is to say, under the sister of the King of *Scotland*, the Guardianes of him, whom they would fain force upon as for our Head and Guardian.

The following both Scripture and prophane Allegations and Histories registred by the *Answerer*, are to no purpose, being a thousand times refuted. Gods holy Word, the instinct of Nature, right reason, the Laws, the Judgements of the Casuists, the Oaths, Covenants, and all these are things the Parliament alledge for themselves, with more reason and advantage, then the *Royalists*. Those sayings, *Rex non moritur, & Rex nulli facit injuriam*, are known to be rank flatteries, and neither in *England*, nor in any other Kingdome allowed of. I wonder how this man durst averr such things in the face of this *Republick*.

As also, that he durst call that a *Sophisme*, which the States of *Holland* had made use of, to induce the rest of the Provinces to the Acknowledgement of the *English Republick*, viz to give unto *Cesar*, (that is, the present Possessor or Incumbent) that which is *Cesars*. Why did he not first make known

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known this subtle solution of that *Sophisme* to *Spain*, *Portugal*, *Venice*, *Florence*, *Genna*? (*France* would fain come on too.) Did they understand the *Date Casari* thus? we had more reason for it.

As for those other Allegations, taken out of several Sermons, I shall direct him to infinite other Sermons, that were and are daily made in the behalf of the Parliament. The *Answerers*, and others wresting of the Scriptures, like a Nose of wax to serve their turns, is a kind of Prophanation.

The *Memorandums* he calls *Monstrous things*. A bold expression. They contain the very words, set down in the *Treaty* of *Anno* 1495. and consequently the *States* own words, delivered unto the *English Ambassadors*, *May* 2. last, which are not monstrous, but grounded on very weighty Reason. For, we do plainly find, that for divers years now all along, the *English* and *Scots* Malignants, do not only seek to imbroil us in war, but labour likewise daily here to reduce us again under the subjection or Guardianship of the young Prince of *Orange*, that needs a Guardian himself: So that it seems *Lex Julia de ambitu*, lies asleep. Otherwise this State ought to rid themselves of those strangers, that seek to obtrude a new Domination upon us. And the *English* deserve our thanks, for having reacht forth their helping hand thus unto us.

In the Rear now, our *Answerer* falls upon the thirty six Articles, and says, That the same do prejudice or hinder his Kings Right to the Crown of *England*. All the Kings and Potentates, which acknowledge *England* a Republick, do in effect the same thing: But indeed neither any of those Kings and Potentates, nor we our selves, but the Kings own evil Councillors, or Proceedings, are the cause of all this. When the *Answerer*, the rest of his partners, the *Scots* and Covenanters, have hurried their Waggon into precipices of ruine, it is past our redress. To enter into alliance against those that go about to ruine our *Commerce*, and bereave us of our *Freedom*, as much as in them lies, is both necessary and commendable. If some will needs live under a King, let them; as for our parts, we are resolved by Gods help, to maintain our *Freedom*. A

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A League with *England* will not bring us into a Labyrinth, nor make us subjects of Depredation and Slavery; but free and secure us from both.

The Resolutions of *Neutrality*, which he mentioneth, are limited with conditions; in case the *Scots, Irish*, and other Pirates, perform *Neutrality* to us also.

All the former alliances are between the Nations; so their Lordships the States understand it; so also do all the Kings and Potentates understand it, that Treat here with the States upon the ancient Treaties, as made in those times under the name of the Duke of *Burgundy*, and *Austria*. The Answerer himself implies as much above, where he takes the Treaty with Duke *Philip*, Anno 1495. as made with their Lordships the States; and so likewise the renewed Treaty with *Scotland*, in Anno 1594. which Queen *Mary* had made, as Governels in the *Netherlands*, and the King of *Scotland* notwithstanding renewed it with their Lordships *Non populi propter Regem sed Rex propter populum*. Kings & Princes enter into Treaties, as Representatives of the people, for the peoples sake. This Kings forefathers were contented with the Crown of *Scotland*. It grieves the *Scots* to see themselves involved in war about a quarrel that doth not concern them; but only for the Kings sake, who by *Pr. Rupert*, and by other Pyratrical ships and other ways, plaguing and provoking the *English*, did force them at last, to fall with an Army into *Scotland*, for to prevent that Kings falling into *England*. Even so did the great *Gustave* of *Sweden*; He came with an Army into *Prussia*, and forced the King of *Poland* his Cousen, to relinquish his pretensions to the Crown of *Sweden*.

To conclude, the *English* well knowing, that the *Scots* joyned with *English* Fugitives, and *Malignants*, seek nothing but on the one side to engage us against the Parliament, or to make us still subject to their depredations; and on the other side, to bring us again under the subjection of the Prince of *Orange*: Therefore they very lovingly came and invited us to mutual union, to prevent both the one and the other.

This, in effect, is the Sum and Truth of the Business.

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ADDITIONALL REPLY

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All the pretended Arguments, false Insinuations and Slanders, set forth in the

Printed Answer

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MAC-K-DONNELL

the *Scottish* RESIDENT,

To the Propositions of the Ambassadors of the
Common-wealth of *ENGLAND*;

Presented at the Hague, March 12. 1651:

CHAP. I.

*The Necessity, Nature, and several Forms of
Ambassy, stated.*



It being impossible to preserve Intercourse and Amity betwixt Nations, for their mutual weal and safety, without the intervention of such a person, or persons, that may represent the sense of either, so as to beget a right understanding betwixt them: And because if the Supremacy be delegated or invested in one single Person (whether a King, Duke, or Emperour) it were for many reasons most inconvenient that he should quit his Charge at home to treat personally abroad in *foreign* Parts; Or if the Supremacy be intrusted in the hands of divers Persons, it were absurd to imagine they should all undertake a Voyage upon the like occasion: Therefore it must needs be obvious to every mans reason, how great a necessity lies upon the Nations of the world, to make choice of some intermedial Person or Persons, to be Commissionated with full Power, and sent abroad with such Instructions,

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as may inable them, on the behalf of their respective Countries, to confer and debate with forain States and Princes, of such matters as tend to mutual Commerce and Communication. *Without such a course as this, saith Petrus Erodium* (an old Author) *no League can be made, nor any thing determined touching Peace or War; Enmities would prove immortal; Murthers, Violence, and Treachery, would perpetually alarm the world with new Combuſtions.* Hence it is, that in regard of the necessary use of such Ministers, and in regard they represent the Majesty of the State that sends them, a kind of *ſanctity* hath been annexed to their Persons; they have in all Ages and Nations been had in ſpecial Veneration, indulged with large Priviledges and Immunities, even among the *Heathen*, and ſecured from the reach of *violation*, by as high a reverence as they paid to their very Gods and Temples, as may be ſeen in an Epistle of King *Philip the Macedonian*, to the people of *Athens*. A *Legat* or *Ambaſſador* is

Sanctum populis per ſacula nomen:

As for the ſeveral Forms of *Ambaſſy*, or *Ambaſſadors*, though they paſſ by divers names, yet they are ſpecifically one and the ſame Office or *Function*, having all the ſame reaſon, aim, or end; which is, to tranſact affairs abroad, for the good of the Common-wealth, according to the directions of thoſe that ſend them. In ancient time, a *Legat* or *Ambaſſador*, many times paſſed under the name of an *Orator*; according to that of *Virgil* 11. *Aeneid*.

ſamque Oratores aderant ex urbe Latina.

And he uſually retained this name, either from the nature of his imploiment, in caſe he were ſent to deſire or deprecate any matter, or elſe from his *Eloquence*, which is the prime requiſit and glory of an *Ambaſſador*. The other uſual name of old, was that which the *Pope* ſtill retains, *viz.* the *Nuntio*, which in *Engliſh* is a *Messenger*; according to that of *Livy*, lib. 34. *Rhodies Nuntios in Orbe terrarum arbitria belli pacisque agere*, which was ſpoken in contempt of the *Rhodies*, or rather indignation, that ſo inconfiderable a people ſhould be ſo buſie and meddling; for, thoſe uſually they

they called *Messengers*, that were ſent from ſuch as either were not acknowledged ſupream in power, or were but an inferiour Nation, or who came with ſmall pomp about matters of the leſſer concernment; or for the delivery of ſome diſpatches, about which they made no long ſtay.

But thoſe old titles being antiquated, we have now a ſucceſſion of new ones, which are thus divided, according to the preſent cuſtom of Nations, *viz.* the *Agent*, or *Ambaſſador* in ordinary, and the *Ambaſſador* extraordinary: both which, are one and the ſame in effect, differing only in pomp and ſplendor, but equal in privilege. The *Agent* or *Ambaſſador* in ordinary, is uſually a perſon eminent for prudence; one that undertakes and performs the *Ambaſſy* with leſs outward oſtentation, who if he be Commiſſioned to reſide with any *Prince* or *Republick*, is then called a *Reſident*. But this *Reſident* being for the moſt part as a *Spy*, to pry into the Affairs of thoſe to whom he is ſent, it were far better if that cuſtom of *Reſidence* were rather exploded, then continued any longer, it tending more to the prejudice, then the benefit of Nations. But of all others, the *Reſident* ought to be avoided, and not admitted in new and unſettled States and Commonweals, if they mean to be ſafe, or preſerve their reputation. For this caſe it was, and in this caſe, that of old, *Ambaſſadors* had a retinue aſſigned them by the State where they reſided, under pretence of honour and reſpect to their *Ambaſſy*, but really to keep an eye over them; and ſo ſtrictly, that they could not ſo much as drink, or do any other neceſſary, but with the privy of theſe Attendants. *Procop.* 1. 1. *de Bello Goth.* It was the ſame reaſon alſo, wherefore our *Henry 7.* cared ſo little for their company here in *England*, at the beginning of his unſettled Government: And queſtionleſs, it was in him a moſt notable point of Prudence; in all parallel caſes moſt worthy of imitation. Now he whom we call the extraordinary *Ambaſſador*, is (for the moſt part) a Perſon of ſome higher rank and intereſt in the Commonwealth, and therefore a far greater ſtipend and retinue is aſſigned him, to uphold a Majestick Port, anſwerable to his own Quality, and for the honour of his Nation. The former

mer (according to the common acception) are styled ordinary Ambassadors, Agents, and Residents; the later Extraordinary, sent usually upon eminent and extraordinary occasions: Thus you see all the difference betwixt them is onely extrinsecal and formal, in respect of Ceremony; but *de Jure*, according to the nature and end of the thing, they have the same intrinsecal value, and an equal right to the same immunities and privileges: An example of the former wee have in the late Agencies of those two Learned, but unfortunate Gentlemen, Doctor Dorisla, and Master Anthony Ascham, the one most barbarously assassinated in Holland, the other in Spain. And of the later, in the late solemn Ambassy into Holland, performed by two Honourable persons, the one being Lord Chief Justice of the Common Pleas, but both of the Parliamentary or Senatorian Order. Now if you would know the reason why we have thus briefly discussed the Point of Ambassy under the several Forms, it is partly for Method sake, as an Introduction to the other Chapters which follow; but especially to let both the Dutch and Spaniard understand, that the English have as much reason to expect justice and satisfaction for the butcheries of their two Agents, as if they had appeared in as glorious and solemn an Equipage, as the greatest Ambassadors in the world. And truly, their expectations might be the more heightened in this particular to hear from the Spaniard, in regard the matter hath been so plainly laid open by a Doctor of their own, of no mean rank and abilities, by name Don Augustin de Hierro, Knight of the Order of Calatrava, and Fiscal (or Attorney General) of the Council Royal, in a Charge by him exhibited against the Murtherers of Master Ascham; in which Charge, he thus determines it: *That whether the person sent lately by the Parliament of England, was an Ambassador, an Agent, or Resident, as the Murtherers term him, or most properly an Orator, (for, he came (saith he) to deprecate Peace.) Or, whether he were all these, or any of these, it matters not; for, any of these may style him a Legat, & make him deserve that title; and the same security is due unto all those titles,* the

* Master Ascham was verum Legatus.

the same Privilege, the same Immunity. And therefore, since the same Doctor hath also very clearly proved, that the Church cannot give sanctuary to the Murtherers of the meanest of Publick Ministers, (who are all equal in point of indemnity) the more highly it reflects upon Spain, that the Rights of Ambassadors should receive so high a violation, and yet that there should have been so long a delay of justice (upon an unjustifiable pretence) against Master Ascham's Murtherers.

CHAP. II.

That All Supream Powers in possession (Jure vel Injuriâ) have a Right to send Agents or Ambassadors, to negotiate with Forain States and Princes.

BECAUSE, upon perusal of the Printed Answerer, set forth by that Scot, who entitles himself the Lord Mac Donnell, and Resident of the King of Great Britain; it appears he will not vouchsafe our late Ambassadors at the Hague, to wear the style of English Ambassadors, but in his Title page disdainfully calls them the English Ambassadors [as they style themselves.] And in the beginning of his pretended Answer, nick-names them Ab-Legats in the Diminutive, and calls them pretended Ambassadors, as if they merited not the title of true Legats or Ambassadors; it cannot be a misis therefore, to shew this Scot, and all the world, upon what frail terms, both his Lordship and the Residency must needs stand, having so airy a foundation to support them, as his Master's Kingship of Great Britain; for we suppose it will be a hard matter for him to prove his Residency, till his young Master can make good the Kingship; it being a Maxim received by all Civilians and Statesmen, that the Right of Ambassy in all Countries, as do all the other Rights of

Of Supremacy, ever follow such as are in possession. *Hugo Grotius* (*lib. 2. de Jur. bel. cap. 18.*) is very positive to this purpose, where he tells you, *Reges qui bello solenni victi, regnoque exuti sunt, cum aliis Regni bonis & jus Legandi perdidierunt*, that is, *Kings who submit their Fortunes to the trial of a set-war, and then are driven out of the kingdom by force of arms, as they forfeit all other right of sovereignty, so also they lose the very right of Ambassy.* The reason to me is evident, because the chief end of Ambassies (for the most part) is to make Contracts; and it is absurd to imagin, that one man will contract with another, when it is not in the power of that other to make good the Contract, because there is a third Power in possession, which will hinder him from the performance. Now, all States and Princes measure the points of Ambassy and Negotiation by convenience and Reason of State. They consider not what right or wrong is done to a Brother-Prince, in his title, in the great Revolutions of Government, but how to frame themselves after the motion of the Great Wheel, as may tend most to the security of their own titles, and advantage of their own estates: For, if in stead of receiving Ambassies and Addresses from Forain Powers, they should first require satisfaction touching the rights of those which send, then the whole time of Princes would be spent in admitting mutual appeals to and from one another, to no purpose; since if that were admitted, there would be no end of dispute in the world touching titles; which were they all ravelled to their Originals, would puzzle the ablest head-pieces under Heaven to prove their equity and innocence in the Cradle. Very suitable hereunto is that passage of Cardinal D'Ossat in one of his Epistles, who tells you, *That Princes, when Ambassadors are addrest to them, never inform themselves of the rights and titles of those Princes from whom they are sent; But whether they have possession of the Forces and Power of those places from whence the Ambassadors are imployed.* For, it would be an endlesse task, and require an infallible true History of the World (which is not to be made by man) if all the Ambassadors, before their Receptions, should be obliged first

to prove clearly to the world, the just right by which their masters derive those Titles and Jurisdictions, which they assume to themselves.

Thus far it seems by reason of State, that the right of Ambassy unquestionably follows such only as are in possession; let us confirm it farther (as briefly as may be) by testimonies of Writers, with the practises of States and Princes, both ancient & modern, who never used to inquire who they were that sent, but whether the senders of an Ambassage were invested with a Power to command the places from whence they sent: In this case, they always treat with the Power, but never dispute it, well knowing few of their own Dominions have had an unquestionable beginning, *Respectu primæ Cause omnia Imperia legitima esse concedo, sed si queras de causis intermedii, &c.* All Governments (saith Bodin, *l. 1. c. 6.*) are lawful in respect of the first cause, viz. God; but if we regard secondary causes, most Governments have had their foundation upon Force and Violence: which must needs be granted, considering how from time to time the Sword hath given Law to all the world. Whereupon, the Civilians, weighing, that the course of Government hath run altogether in this Channel, have proportioned their Maxims more suitable to the necessities and publick conveniences of mankind, then satisfactory to the reasons of private and particular men; because, will they, nill they, such must be concluded within the rules of submission, to what form of Government soever shall be erected by those that cary the Sword. For, in this case, if a Parliament, or Senate, that hath the Sword, shall resolve one way, and those that are un-armed, resolve another, then there can be no Government at all, but all will be left at random, to a continued succession of discontents, contests, and confusions, which must needs end in the ruine of the un-armed party. Wherefore, it is a Rule with them, *That the ancient Majesty of a Kingdom or Commonweal, continues no longer, if it be changed either by a greater Power, or by consent of the People*: where you see, Force and Power are put inequall ballance with popular consent, in relation to Government. And as if it were the best pedigree of Supremacy, they

They define the Supream Authority to be that which holds claim from God and the Sword; and therefore is as it were the Authour of its own Original, without dependance on any other; so that (say they) every Commonwealth, be it never so small, which acknowledges no Superiour, but God and the Sword, hath a right of Majesty, or Political Supremacy. So saith *Besoldus, de Juribus Majest. cap. 1. Arniseus, de Majest. cap. 1. and Cammerus de Majest. Disput. 1. Thes. 70. 75. &c.* with many others.

Seeing therefore, that an uncontrollable Power of the Sword, in plenary possession of any Nation, inflates him or them whose Sword it is, with all the rights of Majesty, much more then may they be claimed by the Parliament of England, to whom God hath given a commanding Sword, which they lawfully hold in the behalf, and by consent of the people. And therefore questionless, no State, or Prince, where he seeth such an established Power, can in reason question those rights, or pretend ground not to own the Power, as in all other rights, so more especially in the right of Ambassy, which is one of the fairest Flowers in the Garland of Majesty. For, (as it hath been observed by the Oracle of our Laws, 4. Instit. c. 26.) they, and none but they, who enjoy the rights of Majesty, or Supremacy, have a right of Ambassy. It must be from a Sovereign, to a Sovereign Power and Authority.

Thus far now, our Assertion stands unquestionable; therefore, for illustration, it must needs be much more clear, if we consider, that the benefit of Ambassy hath been often allowed, even to such as were not solely Supream, nor in the plenary possession of any Nation. Thus in a Nation divided by Civil War, where the Supream Power is in Controversie, both the Parties are allowed an equal right of Ambassy, by *Hugo Grotius, l. 2 c. 18.* Thus in a popular division at *Syracusa*, the one Party within the City sent an Ambassage to the other Party without, under the command of *Andronodorus*. The like was done by *Caius Manlius*, one of *Catiline's* Fellows, to *Q. Martius*; and by *Brutus* and *Cassius* to *Lepidus* and *Antony*, *Livius, l. 14. Salust. Catil.* who give them that were sent the name of *Legats*, which were the same that

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we now call *Agents* and *Ambassadors*. Also, according to this Rule, during the late Contest here betwixt King and Parliament, it was, that the *Hollander* made no scruple to entertain *Agents* equally from both the Parties. Nor hath this Priviledge been allowed those only, who in National findings, have had some tolerable pretence to a formal Authority; but hath been indulged also to meer *Out-Laws*, such as the *Montaners* in the *Alps*, the *Assassins* of old, the *Pickeroons* in *France*, the *Banditi* in *Italy*, the *Tories* in *Ireland*, and the *Mosse-Troopers* in the *Marches* between *England* and *Scotland*. *Q. Curtius, lib. 7.* tels us of twenty thousand such Fellows, that were got into a Body to make Head against *Alexander* the Great, and it came to a Fight, in which *Alexander* himself being wounded in the *Forlorn*, it came to a Parley. *Itaque postero die miserunt Legatos ad Regem.* Whereupon, the next day they sent Ambassadors to the King, who received them with all Ceremony, and caused them to sit in his presence. This were the more to be admired, but that we find *Cesar* himself, *lib. 3. bell. civ.* giving the like honour to those *Fugitives*, that lurked in the Straits and Passes of the *Pyrenean* Mountains, and affirming it lawful. Yet questionless, these instances are not to be drawn into custom, but may be imitated and approved, only upon the like occasional accidents, and emergents of necessity.

How ever, in regard some have openly in Print indeavoured to abridge us in *England* of our right and interest in this particular, it is requisite we should draw the Lines of Ambassy, in its utmost Extent and Latitude, that our Inferences and Inductions may arise the more easie: For, if they who upon the occasion of a *National Rupture*, can (at the most) lay claim to no more but the name of a *Party*, have been, and are admitted into a participation of this right by States and Princes: and if so be, that an irregular number of *Out-Laws*, and *Renegado's*, formed into a formidable Body, have been received likewise into the same Priviledge by the greatest Monarchs, then *a minori ad majus*, the Argument must needs hold good as to those in *England*, who are actually,

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and justly invested with the Supreme Power, and settled in the Noblest form. If scattered Recollections of Fugitives, Male-Contents, and frightened Remnants, have assumed this honour to themselves. much more may this Noble Nation of *England*, who though she grew old, crooked, and deformed, under the pressures and oppressions of successive Tyrants, yet having shaken them off, baffled them beyond recovery, and settled her self in the condition of a Sovereign Free State, seems now to renew her Age again like the *Eagle*, under the sweet Influences of *Liberty*. She is now her self, in full possession of her own; therefore let the world know in this case she understands, that *Possession is more than eleven points of the Law*. For, why was it, that the late King of *England* (as one observes) having sworn a League with the King of *Spain*, expressly also as he was King of *Portugal*, did notwithstanding receive divers Ambassadors from the new King of *Portugal*, yet was not judged, either in *England* or *Spain*, to have broken his former Oath and League? Why was it (I say) but only to shew that Contracts and Oaths made betwixt Political persons, are made in a Political sense, viz. with a tacit condition of holding their Possessions? These being gone, their Publick Relations and Concernments immediately expire. How came it to passe, that the Spaniard being driven out of the United Provinces, and they by him declared Rebels, that yet they assuming to themselves a right of Ambassy, had their Ambassadors so readily received by Henry of France, and Elizabeth of England, but that both those Princes well understood the lawfulness of the action, and that they had *Jure Gentium*, a right so to send, the Spaniard being dispossessed there? It was the same reason too, that moved the Hollander to entertain Agents and Ambassadors from this State; before the death of the Tyrant, for that part which we then possessed; and since his death, for the whole now in possession; in this acknowledging possession a sufficient ground for us to send, as for themselves to receive our Ambassadors. The acknowledgements given us likewise by the Ambassadors and Agents of *Spain*, *Portugal*, *Venice*, *Florence*, and *Genoa*, do declare the same.

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How then comes it to passe, that the name of a King of *Great Britain*, hath been so rise among the *Provinces*, when they know the young *Scot*, is so farre from having a Foot in the Noblest part of *Britain*, *England*, that he is in a manner outed too in *Scotland*? What face too, (but that a *Scot* can face any thing) had this *Scot*, to deny our Embassadors the name of *English Ambassadors*, and dubbe himself with a Title including a Right to *England*, where, his Master is never like to take the Air again, if (he have his due) unlesse it be upon a Scaffold? But well may hee own the Title, when some of the *Dutch* have been so forward to give it; yea, and under that name, doe more then give him Audience in their great Assembly.

Though they have many Bodies of Supremacy in the *Netherlands*, yet we can acknowledge but one Supreme in *England*, which is the *Parliament*; who being seated with full Power in the Peoples Right, can admit of no Competitor, nor permit any other Nation to impose one upon them, or dispute their Title; but have reason to expect the same acknowledgements, that ever have been given to all Supreme Powers in possession, according to the *Custom of Nations*; which if any Nation shall deny, or take occasion to prevaricate in this point, they may in time understand, that *England*, established in this new Form, stands fully possesst, not only by *Right of Warre*, but also according to the Right of Nature, and the ancient Laws and Customes of the Nation, being eminently adorned with all the Rights and Priviledges of the People; And that she may now have as great abilities as ever, to assert her own Independency upon other Powers, and make her self as considerable, either in enmity, or friendship, as the proudest of her enemies.

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CHAP.

C H A P. I I I.

That Contratts and Alliances made betwixt States and Princes, doe not relate singly and personally to themselves; but are made Jure Populi, in the behalf, and for the benefit of the People.

VHereas it hath been alledged by the *Resident* of the King of *Scots*, that the ancient and successive Contratts and Friendships betwixt England and the *United Provinces*, were made between them and the successive Kings of England, and not with England otherwise considered; whereby he seems to affirm, that the validity of such Contratts depends upon, and expires with the persons of the Kings of England, or with the *Kingly Government*, excluding the interest of the People from being Principal in them; therefore it cannot be inexpedient in that point, to manifest the ignorance of this *Scot*, with the absurdity of his Pretence, which so highly reflects upon the Majesty and main Concernments of the People.

For, without question, it is to be understood, that as all the acts of Government ought to tend; so *Governours* themselves, (by what names or titles soever they be called) are erected and intended only for the behalf and benefit of the people. Even *Kings* themselves (notwithstanding all their flourishes), can arrogate nothing to their Persons or Families, separate from the Peoples Interest: For, a *King* is no more but a Creature of the People, by them created for their good; He is their servant, for which they give him a Salary, or Revenue, adorning him with splendid Titles of Majesty, and with all the Immunities, Priviledges, and Prerogatives of Government, which are no way inherent in his own Person or Family, but Ornaments bestowed upon him, as the Peoples *Livery*, in reward of his service.

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The truth of this very evidently appears in the *Coronation-solemnities* of Kings, which all the world over are the same in substance; and here in *England* the custome was thus. First, the agreement was made between the people and him that was to be entertained as their King: he was made acquainted with the work and service of the Commonwealth, which was to regulate himselfe and his Charge according to such Lawes, (that is, such Rules and Direction) as were or should be appointed by the people; and for the true performance of this an *Oath* was given him. Then the peoples consent being asked, and had (which in old time here was wont to be demanded thrice) he was immediatly taken into the service, and his *Livery* given him, viz. The *Royall Robes*, the *Sword*, the *Ring*, the *Scepter*, and the *Crown*. This hath been the manner of admission in *England*, most solemnly performed in receiving all the *Kings* and *Queens* from the days of *Edward* the Confessor, and long before: So that you see the relation wherein a *King* stands to the *Commonwealth*, or *Kingdom*, is the same with that of a *Servant* to his *Master*; onely here is the difference betwixt *Kings* and *privat Servants*, That those *Publick honorary Servants* having great honour confer'd upon them by the service, are necessitated to maintain a large retinue, and hold many in pension and imployment, for which purpose they are allowed an extraordinary proportion of wages for their pains and expence in the performance of their duty, with a surplussage of Subsidies or Supplies (many times) upon emergent occasions of necessity.

This will further appeare if we consider, that *Kings* hold not the possession of a *Kingdom* by the same right as *privat men* doe their *patrimonies*. But yet it is not meant, as if *Kings* might not have possessions as other men have; for that is allowable, and hath been known here in *England*, as may be seen in the time of *Henry* the fourth, who from the Title of Duke of *Lancaster*, arriving to that of a *King*, enjoyed still an inheritance in his own right, as Duke of *Lancaster*, distinct from that of the *Crown*; and fearing the return of *Lex talionis* upon himself and Family, that as he had dispossessed others of the *Kingdom*, so his heirs might in time be dispossessed again,

again, therefore out of a prudent forecast he so ordered the matter, as to keep the Revenues of his *Dutchie* entire, and serled them in such a way, as might preserve them distinct from those of the *Crown*, that in case any new *Turn* should happen, his posterity might (if they lost the *Kingship*) know where to lay claim unto their *ancient Patrimony*. So then, we doe not deny but *Kings* may have possessions of their own, as well as other men, by inheritance or purchase; but those which they hold in the right of the *Kingdom*, or *Kingship*, are none of their own: The *Patrimony* of the *Publi^k Exchequer* is one thing, that of the *Prince* another. *Henry* the fourth held the *Dutchy of Lancaster*, as he was *Henry*, but the revenues of the *Crown* as he was the *King*, or publick servant of the *Kingdom*, not out of any peculiar propriety that he had in them. Nor can it in reason be imagined, that *Kings* should have any thing of *Propriety* in what concerns the *Kingdom*, seeing in the first place the *Regall* dignity is no more but a *Function*, or *Office*, and he himself is but *supremus officarius*, the highest Officer of the *Kingdom*; and you know, an Officer hath no right to what he is intrusted with for the benefit of another. Besides, we know, that if any man be invested with a *Propriety*, he hath a power to alienate or sel away his right; but *Kings* have no such power as to alienate any part of the *publick Revenue*. *Kings* that have endeavoured it in *England*, have been restrained; and not onely in that, but even in their immoderate expences, by *Parliament*. Nor is it so onely in *England*, but many laws have been made and renewed against it in *Poland*, *Hungary*, *Scotland*, *France*, *Spain*, and the *Empire*; for we read what *Wenceslaus* the Emperour, *Malcolm* of *Scotland*, and *Henry* the sixth of *France*, suffered by attempting it, and what miseries they brought thereby upon themselves and the people. Innumerable testimonies might be produced against this power of *Alienation* in *Kings*, but that of *Grotius*, lib. 2. de *Jur. bel. c. 6.* may the better pass instead of all the rest, in regard he is in most other particulars a little too rank of the *Royalist*. *Patrimonium populi, cujus fructus destinati sunt, ad sustentanda reipub. aut regia dignitatis onera, a regibus alienari, nec in totum, nec in partem potest.* The *Patrimony*

mony of the people (saith he) whose revenues are appointed to ease the burthens of the Commonwealth, and support the Regall dignity, cannot be alienated by Kings, either whole, or in part. Nam. & in hoc jus majus fructuario non habent. For in this, (viz. the peoples publick Patrimony) they have no more then the right of an *Usu-fructuary*, who indeed receives the rents and profits, but hath no propriety in the lands.

Seeing now it appears that a *King* is no more but *κλεις ἀνθρώπων*, the *Ordinance of man*, (a creature of mans making, as is to be inferred from the words of *St. Peter*;) seeing he is but a servant to the people, bargains with them to doe their work according to *Laws* (or *Directions*) & to that end wears their *Livery*, and receives *wages* from them; seeing also that the right and propriety of the *Kingdom* remains in the people, not in him; and that the most which can be made of him, is but an *Officer*, or an *Usu-fructuary*, one that hath no right in what he possesseth, save onely to receive the *Profits*, or *Revenues*, in lieu of service to be done for some other, viz. the *Community*; then it may plainly be inferred, that the ends of *Kingly Government*, and consequently all the acts of it, doe in no wise relate to the *Person*, *Kingship*, or *Family* of any *King*, but are terminated *jure populi*, in the right or behalf, and for the benefit of the people.

Thus far our *Assertion* stands undeniable; and therefore for application of it to the present matter in question between us the *Scottish Resident*, let us consider, that if *Kings* are not for themselves, but for the people; if they be *Kings publico jure*, in the peoples right, not in any particular personall qualification of their own, then it merrily follows, That as the *Office*, so all the *Acts* of *Government*, and consequently the making *Peace* or *Warre*, the allaying of enmities, the making *Contracts* and *Alliances* with forein States and *Princes*, are founded and concluded in the right of the people. It is they which treat, contract, & confederate, only they agree that he shal transact and sign it: The power is originally, really, and fundamentally in themselves; it is but *Ministerially* in the *King*, as a *Publick servant*; it is for the publick benefit, not his own privat, that he is intrusted to make a *Contract*; so that whether

whether you consider the publick relation he stands in, without which he can be no king, nor contract, nor do any other act of Government. Or whether you consider the publick end and scope of the *Contract*, it must needs follow, that his own particular, or the interest of his *Family*, cannot be separately or singly concerned in the business, though it run in his name, seeing all is done by the right, and for the good of the *Community*.

But our *Scotch Resident* alledges out of *Grotius*, l. 2. c. 16. That a league made with a King holds firm to him, though he be driven by his subjects out of the Kingdom: For the right of the Kingdom remains with him, though he have lost the possession, according to that of *Lucan*

Non unquam perdidit ordo
Mutato sua jura loco.

To this I answer in the first place; that if you consider what is said before, it must be granted that the right and propriety of a Kingdom remains in the people alwayes, be the King in or out of possession. Secondly, it is much to be wondered that *Grotius* should so farre forget himselfe, as in this place to set down a position quite contrary to what he affirms in another, viz. c. 18. in that instance before cited, where he saith, That Kings, who submit their fortunes to the tryall of a Set-warre, and then are driven out by force of Arms, doe not onely lose the right of Ambassy, but all other rights of Sovereignty. And if so, then without question also a King loseth all claim or pretence to any *Forein Contracts* or *Alliances* made with him, in the behalf of the Kingdom while he stood possessed: For by the same reason that he loseth or forfeits one right, he loseth all.

Besides, in another place (viz. lib. 1. cap. 18.) he enumerates no lesse then seven or eight cases, wherein a King may forfeit, and be justly driven out of his Kingly interest and Kingdom; As in case a King assume more to himselfe then of right belongs to him: Or in case he infringe those lawes that he was sworn to: Or incroach upon the Senaticall part and right of the people: Or if he relinquish the Helm of government: Or give over the protection of the people: Or make

make warre against them: Or behave himselfe as a Tyrant or publick enemy of the Nation. In all these Cases, *Grotius* grants, that a King may justly be deprived; and not any of these, but might be verified upon the late King of England, and his Son the *Young Pretender*; who not onely lost all Right, as being the Son of such a Father; but by tracing him actually in the same steps of enmity, hath made the forfeiture compleat, both for himself and the whole family: whereby, as he loses all other interests, so without question, his interest in all those forein leagues and contracts, that were made with his Father while he was in possession.

But to return where we left; the rights and acts of Government (as we have proved) being properly the interest and acts of the *Community* or *People*, and relate no farther to the King, than as a *delegated Person*, a *Deputy* or *Trustee*, to treat and transact in their behalf; then, without question, when this Officer the King, shall either for male-administration, or treachery in his trust, be put to death, or banished, with his whole family, the *Treaties*, *Contracts*, and *Alliances*, made in his name with any *Forain State*, must needs continue in full force and power, to all intents and purposes, as long as the *People* and *Community* are in being, whose *Contracts* they are. To this accords that of *Grotius* likewise, l. 2. c. 15. *Si cum Rege contractum sit, non statim personale erit censendum foedus*, i.e. If a League be made with a King, it must not be presently looked upon as a *personal League*. For, as he saith in the same place, after *Pedius* and *Ulpian*, *plerumque persona pacto inseritur, non ut personale pactum fiat, sed ut demonstretur cum quo pactum est*. The person of the Prince is usually mentioned in the League, not that the League should become personal, but only to shew with whom it was made. But it may be objected, that the League with *Holland*, extends not only to the King, but to his Successors also: 'Tis true, it doth hold, as to the succession; that is, as long as the succession holds; for, *Leagues* must hold to the persons of Princes and their successors, as all other *Political Compacts* between them do, viz. with a tacit condition of holding their possessions. If the King of *Scots* can with the peoples consent, make good his succession in *England*, then he may lay

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claim to the Treaties made betwixt *England* and *Holland*; but in the mean time, Hee and his Family being driven out for their Tyranny, all the Right to those Contracts is to be exercised by another Succession and Form of Government, that is established in the Right, and by Authority of the people.

Nor can this *Alteration of Government* any whit alter the Case, it being a right naturally inherent in all Nations, to alter their respective Governments (upon occasion) into what form they please: As long as the people remain the same *specificall* (I do not mean the same *individual*) people of *England*, that they were when the right of Treaty was used, and the Treaty with *Holland* made and ratified by the King in their behalf, so long the effects of the Treaty or Treaties are in force, to the same ends and purposes that they were at first intended: *Seneca* saith, by way of comparison, *Manet idem flumen, aqua transmissa est*, the River remains the same, though the water pass away; and *Aristotle* 3. lib. *Pol.* c. 2. traceth him in the same quaint way of allusion, likening the People to a River which retains its old name, and is said to be the same that it was long since, though a continued succession of new waters doe flow in the Channel; so the People that is now, is the same *in specie*, that it was an hundred or perhaps a thousand years since, and is so called and reputed; except it lose the name and estimate of a Nation, by being captivated and caried away from their Countrey, as the *Jews* were all in time from *Jerusalem*, and the *Holy Land*; or enslaved in their own Countrey by some Forain Power, that holds them in Vassalage, as the *Olynthians* were under *Philip*, the *Thebans* under his son *Alexander*, the *Capuans* under the *Romans*; or as the old *Britains* were under the *Saxons*, the *Saxons* under the *Danes*, and afterwards under the Tyranny of the *Norman Conquerour*: When their National Power and Authority is once extinct, they no longer retain their former interest, privilege, or dignity. But none of these exceptions (blessed be God) can be verified upon the people of *England*, who are seated *pleno jure*, in their own fortunate Island, and established now in a greater measure of Honour, Power, and Freedom, then ever we enjoyed

enjoyed for many hundred years before;

Felices nimium, bona si sua vident.

And therefore, of necessity, they must be accounted *specifically* the same Nation or people, that they were, when the Treaties were made and concluded betwixt *England* and the *Netherlands*, though they be not the very same *Individual* People and Government. *No matter* (saith *Grotius*, l. 2. c. 9.) how the Nation be governed, whether by a King, or by many, or by the multitude: For, the people of *Rome* remained the same still, in the various changes of Government, under Kings, Consuls, and Emperours. When the former is extinct, a new form ever succeeds, with power to govern, act, and transact, in and for the behalfe of the people; who being still the same, not tied to Forms, nor altered by Time, over-look all *Circumstances*, and lay hold upon the *Substantials* of their Interest and Government, as they stand qualified, and related, both at home and abroad. And truly, it is very pleasant to observe in this particular, how even *Princes* themselves acknowledge as much in their Practises towards each other in the changes of Government: For, the Duke of *Burgoin* having concluded amity with *England* in the person of *Henry* the 6. no sooner was *Henry* dispossessed, and *Edward* the 4. invested, but he immediately renues the same League with *England* in the person of *Edward*: Afterwards, *Edward* hapning to be driven out, it was so brought about by *Burgoin*, that the Truce formerly concluded betwixt him and King *Edward*, should in all things be ratified and confirmed, the King's name onely changed to *Henry*: At length, *Edward* made shift to recover all again, and then *Henry* was once more dethroned; which was no sooner done, but *Burgoin* sent again a solemn Embassage, to renew the Treaty, and establish a firm League with *England* in the person of *Edward*: It is to be observed likewise that during all these Changes, *Ambassadors* went to and fro, and all Forain Contracts and Alliances were kept entire, without the least question, on either side; which may serve to inform us of these two particulars; That in National quarrels about Title to Government, *Princes* use not to dispute who is in

the right, or wrong, but apply themselves (without farther scruple) to the parties in possession: And *secondly*, that however the *Governours* of a Countrey may be changed, yet all the points of *Alliance* and *Contract*, being centred in the right and benefit of the people, continue unchangeable and entire under every alteration. It were endless to reckon up all the examples that might be derived from the practises of States and Princes to confirm this particular; we might shew you how the matter of Government being in dispute betwixt Queen *Mary* and her son *James*, (or rather his Guardians) though *Mary* were dethroned, and her Sons Guardians got the better, yet the amity betwixt us and Scotland continued firm, notwithstanding the deposition of the person of *Mary*: But because the *Scottish Resident* seems to grant that Leagues may hold entire in State-Ruptures, though a particular Prince be laid aside, but not so, if the frame of Government be altered; therefore he may be pleased to consider, that in the various revolutions of the *Elorentin* Government, when the whole frame was changed, yet most of their old Alliances and Contracts were renewed still, and retained in full force and vigour, as well with the States and Princes of *Italy*, as those of other Nations. And as for the *Hollanders*, though of late they boggled with us in the main, yet they would gladly have renewed so much of the old Treaties with the people of *England*, as might have served their own turns, & not have engaged them too far; the reason why they kept off, seems not to have been from any strength of Argument used by this *Statizing Pretender*; but they had a stronger Argument of their own, whose *Premises* and *Conclusion* lay a long time in Scotland, from whence every Post they expected a resolution.

I shall close all with the testimony of that Learned Spanish Doctor *Don Augustin de Hierro*, Attorney General of the Councel Royal in *Spain*, &c, produced by him in his late Charge against the Murtherers of Master *Asheam*; where insisting upon the point of Friendship betwixt *England* and *Spain*, he proceeds thus: "That *England* (saith he) should be our Friend in statu quo nunc, and that Peace should bee

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"continued with her, proceeds from right; For, Peace is not only made with the King, but with the Kingdom also, and though the first expires, the last remains. For, put case, that Peace be concluded with a Country, without including the King, either by carelessness, or some other accident, yet the Peace stands good; For, so the Polish Magistrates answered the Emperour *Ferdinand* the second. *Faltando el Rey, se conservan con el Reyno, i. e.* the King failing, yet Peace is to be conserved with the kingdom. So *Bodin* holds, and urgeth a pregnant example to this purpose, *lib. de repub. cap. 4. fol. 63.* where he alledgeth the Answer which the Ambassadors of *France*, made to *Edw.* the 4. King of *England*, desiring aid from *France* against some rising subjects of his, that had driven him out of possession, and this desire he pressed by vertue of the League between them; Which Answer was, that the King of *France* could not help him, in regard the confederations betwixt *France* and *England*, were made betwixt the Kings and Kingdoms, so that though King *Edward* was dispossessed thereof, yet the league & amity remained stil with the king. & with the King Regnant. Just so, the Peace 'twixt the Kings and Kingdoms of *Spain* and *England*, though *Charles Stuart* the King be wanting, yet it may be kept intire with the Kingdom: And his Majesty himself insinuates so much unto us, continuing still his Ambassador in *England*; For, when a Peace is established 'twixt Kings and Kingdomes, People, Persons and Vassals, though the King fail, and the Kingdom receive a differing Form of Government, yet the Peace holds good still, because it aimed principally at the people and persons of both Nations; and upon these terms the Peace was renewed 'twixt *Spain* and *England*, in the year 1630. as the *French Mercury* relates it.

The Result of all then, out of the foregoing reasons, testimonies, and examples, will be undeniably this; that Contracts made betwixt States and Princes, doe not relate singly and personally to themselves, but are made *jure Populi*, in the behalf, and for the good of the Community. Though Governors and their Families may fail, yet their Treaties are

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as eternal, as the peoples interest, which is their *moving cause*, and their *ultimate end*.

And therefore, as to our particular, it must undeniably follow, that those former Treaties made betwixt our *Kings* and the *United Provinces*, belong to us now of right, if we please to claim, or renew them, having been ratified at first, in respect only to the people of *England*. No King can lay any claim of this nature, but as he is an Officer of the people; For, that relation being once extinct, there remains no Foundation for any future pretences.

CHAP. IV.

THE two former Chapters, being as the two *Hinges*, whereupon hangs the main of the Controversie; and having therein vindicated the principal points of the peoples interest in *England*, our design in the next place is, briefly to refute all the petty falshoods and insinuations, which lie scattered here and there, in the pretended Answer of our *Scottish Pretender*.

That which occurs in the first place, is this; where hee tells the States of the *United Provinces*, that the *Predecessors* of the present Governours in *England*, were very inconsiderable in those days when the Treaties were made; and that they had neither part nor participation, in any of the favours and friendships afforded to the *Netherlands*: This he saith, by all circumstances may strongly be presumed. A very strong presumption indeed, it must needs be, till he can name those *Circumstances*. The Parliaments of *England*, which were the *Predecessors* of our present Governours, were not so considerable indeed; as now they are, and will be, we shall easily grant; because their glory and freedom was eclipsed by those unbounded Prerogatives, which *Kings* and their House of *Peers*, did usurp unto themselves, over the *Commons*, who naturally, really, and

properly, were to be esteemed the *Parliament*; because they only sate, and represented the people in their rights; whereas the *Lords* sate only in their own rights, or rather by virtue of that pretended right, which *Kings* (forgetting whose servants they are, and for what end they were made) had arrogated unto themselves, in and over the people: This was the reason, why the *Commons* of *England* became more inconsiderable then by right they ought to have been. Yet take them in their most inconsiderable state, or in the lowest ebb of their Fortunes, and we never see them so low, but we find them admitted as partners in enacting of Laws, and reputed as principal in granting *Subsidies*, and other Supplies, for the necessities and support of the *Crown*, insomuch that no *Aid-moneys* could be required of the people, but by the *Commons* consent. In *Queen Elizabeth's* time, they were brought low enough, as appears by her strange proceeding against *Wentworth*, that was one of their Members; which (perhaps) had not been so tamely taken from a *Prince*, that had less influence upon their affections: yet, as low as they were, the ancient Treaties betwixt *Elizabeth* and those *Provinces*, were not made and renewed; nor were the favours and supplies, both of men and money, afforded unto that State, but in the behalf of the *Community*, out of the Purses of the *Commons*, in whose name and right they were granted: so that we leave the world to judge, how nearly those Treaties did concern the *Commons*; and whether they being the undeniable *Predecessors* of the present Governours in *England*, did not both partake, and participate, yea, and were the *Principall Party* concerned in those tokens of favour and friendship, which were then sent unto the *Low-Country Provinces*?

But to fright them from our friendship, he tells them a strange Tale, *How big we are grown with monstrous mysteries of enlarging our Trade and Power*. 'Tis more then probable, that *England*, in this new form, will improve its self far beyond its wonted wealth and interest; forasmuch as for these many hundred years, it hath continued labouring and struggling

ling under the yoke of a *Tyrant*, so that it could not possibly arrive to such a height and measure of happiness, as it may now attain in a condition of *Liberty*. But why should *Englands* happiness be counted an eye-sore to the *Netherlands*, as our *Scot* would have it? Surely the world is wide enough for them both; and questionlesse, if *England* shall thrive (as the enemies of it feare) in this new form, the *Dutch* will then see it much more concerned them (both in honor and interest) to have settled with us in the relation of a friend, then remain in a state of neutrality. 'Tis but a crude supposition, that they shall lose any thing by our *Amity*; but very probable they may lose much without it. Yet in another place he alledges to the *States*, that *their Lordships having no enemy at present, will by uniting with us, involve themselves in a labyrinth*. But their *Lordships* may be pleased rather to consider, it were a strange *wild-goose-chace*, to be led about by the way of *Scotland*, to settle an interest for themselves in *England*, upon the uncertain favour of a subtle *Tyrant* and his followers, who in times past at Court here were wont to dart the name of *Rebell* as freely at them, as they doe now against us; being men of opposite principles to *Freedom*, such as hated the very name of the *United Provinces*; And if the *States* please to remember the carriage of *King James*, they will find that he himself was of the same humor and opinion, and the first that set an edge upon the tongues of the *Courtiers*. In vain therefore doth this *Resident* tell them, that their *Lordships have no Enemy at present*: For, however, our *English Fugitives* and *Desperado's* (for present ends) may seem to court them; yet if they had a while since regained possession in *England*, and should the young *Prince of Orange* have lived to see it, it would have appeared to purpose, that they are the very worst of all their enemies. How much more secure then had it been for their *Lordships* to have embraced the late offer of *England* in its present establishment, as a sure friend, then to depend upon the good will of a deceitful *Enemy*. And whereas it is insinuated, that a *League* with us would draw enmities upon them elsewhere, *they having no enemy at present*; it will concern them to remember, what a friend

friend they have of the *French*, who onely gives faire words, but hates them mortally in heart, as appears by the continual depredations made upon them at Sea, by those of the *French Nation*. Also, it were worthy consideration, upon what ticklish termes they stand with *Denmark* and *Sweden*; and in manifest discontent (especially) with *Portugall*. Not any of these will, or can, be more a friend or enemy, for the sake of the *King of Scotland*: they are all swayed by their own interest, and accordingly measure both their love and hate, not out of respect to any single Person or Family: Therefore it wil concern the *States* more rationally to weigh what advantages they might have reapt by an union with *England*; which had it been concluded upon such terms as were offered, would have rendred them so considerable in the eyes of the world, that not any of all the *Friendly Pretenders* round about, but would have been the more inclined to continue their *Pretences*, and the lesse apt to break them. Most absurd therefore is that affirmation of the *Scottish Resident*, in saying, *The States may promise themselves more profit, repute, and security in Commerce, England abiding a Kingdom, then being transform'd into a Republick*: For, as a *Kingdom*, the actions both of *James* and *Charles* will tell them, *Kings* were no cordiall friends, nor indeed can they be; whereas being in the form of a *Republick* the *Provinces* (had they embraced our offers) might have been admitted into a neerer union and complication of interests, then ever they can hope for from a *Monarchy*.

He tells us farther, there is a wide difference betwixt the *Hollanders* and us, in the manner of acquiring our *Freedom*, *The Hollanders* (saith he) *were a free people time out of mind but we in England have been under Sovereign Kings for a thousand years, and were bound to them by oaths*. Besides, he saith, the *K. of Spain* after a tedious warre of 80. yeares, hath declared the *Provinces* free, &c. But the case is otherwise with us in *England*. To this we say, If the *Hollanders* have of old been a free people, so have we been in *England*, and both they and we in the same manner. They were of old under *Earls* or *Princes*, but such as were limited by the laws. *Auctoritas Principum erat plurimis pro libertate legibus re-*
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petitis definita, saith the Author *de Statu Belgii* 1650. So were we in England under Princes called Kings, but such only as were limited by lawes. It was a *Politick* Kingship, not *Despotick* or *Tyrannick*, as may be seen in all our *Law-books*. Let one or two old instances serve for all. *Bracton* l. 2. c. 16. *Fletal* l. 1 c. 17. say, that the King of England hath the Law and the Parliament for his superiors; and therefore if the King have the reins loose, and be without a Bridle, they ought to bridle him: For (as *Bracton* saith again, l. 3. c. 9.) *The King can do nothing but what the Law permits him*. Thus only, and with this limitation implied, were we sworn to our Kings, as the *Hollanders* were first to their Earls, and afterwards to the King of Spain; but finding the *Spaniard* to oppress them contrary to Law and Liberty, therefore they conceived themselves acquitted of their former Oaths. *Et Philippi, simul & omnium Principum Imperium ejuravere*, and (as our former Author saith) bound themselves by a new Oath to abjure the Government not onely of Philip, but of all Princes for ever; which course exactly parallels our case here in England; all the difference now then, is onely in a circumstance of Time; We have not had 80 years Warre to make good our Freedom; but (alas) this alters not the verity of the thing: For, as the Freedom of the *Provinces* (being really free from the very first moment wherein they drave out Philip) did not depend upon the *Spaniards* acknowledgement; so neither doth ours upon the acknowledgement and declaration of *Charls*, or any future Pretender of the Family. Yet notwithstanding this, the *Resident* saith, our case, in reference to the recovery of our Freedom, is no more like to the *Hollanders*, then *Milk* is like *Ink*. But for illustration, take this farther; were they oppressed in matter of Religion? So were we; tied up to strange forms and innovations. Were they crucified with an *Inquisition*? So were we with a *High Commission*. Were they squeezed with *Impositions*? So were we; such as *Ship-money*, *Privy-seals*, *Coat and Conduct*, *Monopolies*, and a thousand other devices. Besides, the *Priests* proclaimed at Court in their Sermons, that *All was the Kings*, no man had any propriety in what he possessed: so that the lesse credit is to be given to the Declaration

tion of those pious *Ministers* (as they are called) against the Parliament, whose partiall testimony is so much applauded by the *Resident* of Scotland. Did Philip of Spain endeavour (through his Agent *D'Alva*) to settle his Tyrannies over the *Provinces* by force of Arms? so did the late Tyrant *Charls* in England, first plot a war, and then set up his Standard, and put the Parliament upon the *Defensive*, as appears by the whole Series of his Councils and Actions; whereunto more credit is to be given, than to his Posthume Book of *Meditations*, which the *Resident* hath quoted with more affection than discretion.

Lastly, are our Proceedings in England distastd by some of our neighbours, through the malice and mis-representation of our *English Fugitives*? So were those of the *Hollanders*, through the malicious subtilty of the *Spanish Agents* and *Ministers*, who laboured to incense all *Christendom* and draw the world about their ears, till *Forain Princes* came to have a right understanding of the business: So that you see Master *Resident* might have spared his *Milk* and *Ink* too; for, *nec Ovis ovo similis*; one Egge cannot more exactly resemble another, than the case of England, in all particulars, doth that of Holland, in the manner of acquiring our *Liberties* and *Freedoms*.

Now he rails at our judging and beheading the late King, and banishing his Family, calling it *abominable violence*, and such as the like was never heard of since the beginning of the world. Therefore, to rectifie the ignorance and malice of himself, and his deluded party in this particular, some few Instances and Examples shall be here inserted, to shew, it is no new thing, that Kings have been, and may be deprived or punished with death, for their crimes in Government. We read of *Amon* King of *Judah*, that was slain by a part of the people, because he walked not in the way of the Lord; and though another part of the people were angry at it, and avenged his death upon those that did it; yet without question, the execution was just, according to the Law of God, which was (without respect of persons) that the *Idolator* should die the death; and no doubt, the punishment had been inflicted by a Judicial Process, had not so great a party

of the people been addicted to his ways, & opposed it: which opposition of theirs, is usually the cause, in all cases of this nature, why Kings are not to be attached, as well as other Malefactors, by an ordinary course of Justice.

Consider *Ahab* likewise, who though he were taken off himself by divine Justice in the battel at *Ramoth-Gilead*, and so escaped punishment by man for his idolatry and cruelty; yet it was executed afterward to the full by *Jehu*, upon his Queen and the whole Family, who were utterly rooted out, and a blessing annexed to him and his heirs that performed the execution. But some may say, this fact was extraordinary, being done by immediate command from God, and so not fit for ordinary imitation. Yet, for Answer, it is sufficient, I say, that it had a Legal ground, viz. the ground of Gods ordinary judgement, which commanded, that all offenders of the same nature, should die the death: Gods extraordinary command, being superadded to his ordinary Law, doth (as to us) rather confirm then weaken the equity and justice of such a proceeding. In like manner we read, that the whole people took *Amaziah* King of *Judah*, and slew him for his idolatry: whether they did it by a way of Judicial process, or not, is not material, but done it was: and if it were done without process, then much more are they to be justified, that have the courage to imitate such noble acts of Justice, by a solemn and serious proceeding. The like had been executed upon *Joas*, the father of *Amaziah*, by a part of the people, for his Murder and Apostacy. Profane stories, both ancient and modern, are full likewise to the purpose. *Romulus*, the first King of *Rome*, was for his tyranny cut in pieces by the Senate; and *Tarquin* (their last King) was with his whole family, cashiered, the form of Government changed, by the same power, and upon the same occasion. Many years after, *Nero* the Roman Emperour, was sentenced to death by the Senate; which was not *primum damnati Principis exemplum*, as the Resident alledges out of *Suetonius*. The Senate being afterward in time cowed down by *Helioabalus* their Emperour, so that they could not take the ordinary course with him, used means by corrupting the soldiery, (upon whose strength he depended) to put him to death. The

The two famous changes made in the Royal line of *France*, depend upon two such noble pieces of Justice; executed upon their Kings. the first upon *Childerick*, the third King of *France*, who being judicially deposed by the Nobility and Clergy in Parliament, the succession was then cut off from the family of *Pharamond*, and confirmed to the race of *Pepin*, till *Charls* of *Lorraine*, the last of *Pepin's* race, was in the like manner chastised by Parliament, and the Crown translated to the successors of *Hugh Capet*, who hold the same to this day; though two of them likewise, viz. *Lewis* the third, and *Charls le Gros*, have been judicially proceeded against in Parliament. And though the people were so tender towards them, as not to put them to death; yet they were buried alive, being mued up within the melancholy walls of some Monastery, or else closely confined within the Castle of *Orleans*.

In *Spain* too we read of *Suintila*, *Don Alonson*, the eleventh, and *Don Pedro*, judicially proceeded against; the first by the fourth National Council of *Teleao*; the second by publick Act of the Estates of the Realm in the Town of *Validolid*; the third, by the Estates of *Castile*, all for their Tyrannical Government.

The like proceeding also was had against *Don Sancho*, the second of *Portugal*: also against *Henry* of *Poland*, that was King of *France*: *Henry* of *Swethland*: *Christiern* of *Denmark*, and *Wenceslaus* of *Bohemia*: as also *Edward* the second, and *Richard* the second of *England*.

These last are mentioned by the Resident himself; but that which he mainly insists upon, is, that neither *Christiern*, *Wenceslaus*, *Edward*, nor *Richard*, were beheaded upon a Scaffold, as was the late Tyrant *Charls*.

However, it is sufficient they were judged more worthy of a Scaffold, than the Throne: and therefore it must needs be more honourable (after the late Heroick Example of *England*) that the Judgements of God should be executed in publick before all the world, than that they should be stifled in a Dungeon, or the Majesty of them be lessened by paltry private Assassinations; or poisonings, acted upon Royal Tyrants and Offenders.

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Even the practise of Scotland it self, will furnish us with Examples enough of this nature; where no less than fifty of their Kings have been punished with death; and the greatest part of them by a *solemn Iudiciall Proceeding*: as it is set forth by *Buchanan*, their own Historian, who affirms it to be, *More Majorum*, according to the custome of their Ancestors: So that of all other men in the world, this *Scot Resident*, hath the least reason to wonder at our Capital Proceeding against a Tyrant, as a thing never heard of before in the world, since it hath been (from all Antiquity) the common practice of his own Country.

Whereas, he farther alledgeth, the *Parliament's* manifold reiterated Oaths, and their Covenants, with above an hundred Parliamentary Declarations and Protestations, to protect the King's Person and Posterity, &c. This must be understood, with that *tacit Supposition*, which is naturally included in all those Oaths and Protestations, *viz.* That he do not by any enormous crimes and continued Acts of Tyranny, deest himself of his Kingly capacity. And in the Covenant it self, as much as this comes to is implied by undeniable consequence, the whole scope of it being qualified with this special clause [*In the preservation of Religion and Liberty*] to shew, that if the King should proceed so far, as to render himself an irreconcilable enemy to both, the Covenant did no longer oblige the Covenanters, in any relation to him; or his Posterity.

But he saith, *The Laws of England favour Kings above the Laws of all other Nations*; and for this he alledges the parasiticall maxims used by Courtiers, *Rex non moritur, Rex nulli facit injuriam*: Where to let us oppose others out of our old Laws more rational and sound; *Non debet esse rege major quisquam in exhibitione juris; minimus autem esse debet in iudicio suscipiendo, si peccat. Rex habet superiores, Legem; per quam factus est Rex, & Curiam suam, &c. Nihil aliud potest Rex, nisi id solum quod de Jure potest*, say *Bracton* and *Fleta*. And whereas he is up again with his pious Divines in and about *London*, whose Declaration he much boasts of in the behalf of the late Tyrant and his Cause; In Answer to this, he must give us leave to reply in such a sence

as our own experiences have taught us; that those whom he calls *Divines*, were the greatest *Carnalists*, *Formalists*, and *Fanaticks*, that ever appeared in any Nation; *Court parasites*, Trumpets of Tyranny; the onely Patrons and Promoters of *Slavery*, both *Spiritual* and *Temporal*. They were such (as most of the same Tribe ever have been and are) men ignorant in the more necessary and solid parts of Learning (both *Sacred* and *Civill*) who make a Trade and Traffique of certain *Set-forms*, and *Maxims* of Divinity; wherein being Travell'd, as in a Road, they cannot out of their old way, but immediately they lose themselves and their senses. If a Truth (though never so bright and glorious) come to clash with any of those trading notions which they call *Orthodox*, then immediately, like the men of *Ephesus*, they grow stark mad, and can sing no other Tune to all the world, but *Great is their Diana*. Therefore, In those high and weighty Controversies which arise concerning the Rights and Concernments of Commonweals and Kingdoms (where their motions are *eccentricall*) little regard is to be had to their frigid Conceptions, wherein they are wont, even in *Luce meri. dianâ, toto celo errare*; and in this particular it might be made good (contrary to their Affirmations and Invectives) even as clear as the Sun, According to the holy word of God; the *Instinct of Nature*; *Right Reason*; *The Laws of all Nations*, and particularly of *England*; That *Parliaments*, or other *Supream Assemblies*, have a Power of Jurisdiction (both *coercive* and *punitive*) over their Kings, and of altering Forms of Government, according to the Publique exigents and Conveniences of their respective Nations. In the meantime this *Scot* may do well, since he often quotes *William Prynne*, to consult that great *Scorifer*; in his Book entitled, *The Sovereign power of Parliaments*; as also his own Countryman *Rutherford* in his *Lex, Rex*: who will give him another Account, than the raw *Pulpiteers* of *London*. Next, he affirms, that the saying of our Saviour which commands the paying of Tribute to *Cesar*, confirmeth and establisheth Lawfull Power. Herein we agree with him; For, though the means whereby that Power of the *Cesars* was gained were unlawfull, and the manner of its Acquisition unjust; yet it being once established beyond the control

controll of any Publique Power, and having all Authority seated within it self, it immediately became lawfull by way of dispensation, having a right to the dispensing of Justice, and to the exercise of all Acts of Jurisdiction concerning privat and particular Persons. But then (saith he) should *David* have acquiesced in the usurped power of *Absolom*, and *Solomon* in the power of *Adonijah*; *Jehoiada* in *Athalia's*, and the *Machabees* in the power of *Antiochus Epiphanes*. Alas, the case of these is far different; for neither *Absolom*, nor *Adonijah*, were ever seated in a plenary possession, nor had they been acknowledged Supream, as were the *Cæsars*; nor had the *Jews* made any recognition of *Antiochus* his Authority, nor did he ever bring them under a totall Subjugation, as afterwards did the *Roman* power, to whom they then paid a finall submission, though they refused it before to *Antiochus*: As for that of *Athaliah*, we finde she had a submission paid for no less than 6 years, though her power were usurped; and one main reason why the people denied it afterward was, because she had agrieved the whole Nation with her practises of Idolatry and Tyranny: for which cause, she was lawfully deposed and put to death in a full Assembly of the Princes and People. 2. *Kings* 11. after which, they reduced the Government into its former course of succession. Thus much we thought fit to answer, as to this particular: But what hath this *Scottish Resident* to do to introduce these Instances of *Absolom*, *Adonijah*, and *Athaliah*, as Arguments against us in *England*? They touch not the matter at all, there being as vast a disproportion betwixt them and us, as betwixt light and darkness; for they were single Usurpers over the People; but here in *England* the People have recovered their own Rights, by ridding away an old Tyrannical Usurpation.

He compares also the Religion that was under Kings in *England*, with the present, and saith that in the Kings time it shone as a Lamp, more clear then in any other Nation: But that now it is nothing like the religion professed in *Holland*, nor indeed Religion it self. What the state of religion was in the Kings time, I suppose we need not now dispute, it having been long since condemned, not only by our *Presbyterians* themselves, but in the judgement also of *Forain reformed Churches*, as a

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profane medley of superstitious Innovations. And as to the present, though we glory not in an external pretended *National Uniformity* (the great *Diana* of the Clergy, and wherein they place all religion, because it makes for their profit) yet it bears a proportionable conformity to the mind of *Christ*, and the tenor to his *Gospel*, which teacheth us to gather *Believers* into Congregations by the power of the *Word*, and not force men promiscuously into a pretended *Church-relation* by the power of the *sword*, or commands and constitutions of any worldly Power. This, together with a prudent *Toleration* of different opinions, is the present state of Religion in *England*; so that whosoever takes a view of the practises of both Nations, will easily grant a conformity of profession betwixt us, and our neighbours of the *United Provinces*.

He alledges farther, *It would be more safe and profitable for the States, that England should continue a Monarchy, than become a Republick, for that the increase of England in a free State would be the decrease of the other.* See here, O ye people of *England*, what a Confession here is out of the mouth of the *Common Enemy*, of the possibility of that increase, both in wealth and honour, which our Nation may expect in the settled Form of a *Free State*, or *Commonwealth*. And if so, then by consequence it follows, that all this stir for a *Royal Family*, and *Monarchy*, is not out of any respect to the increase of the publick weal, but only to satisie the ambition of a single *Tyrant* and his Followers. And rather than not be so satisfied, he here (by the mouth of his Orator, *Mac-Donnel*) offers up the future interest and glory of *England*, as a prey unto the *Dutch*, in hope to allure them unto his party, for the restoring of him into a *Tyranny*: so that you see clearly, it is a thirst of Dominion and Revenge, not the people's benefit, that transports him in all his undertakings: It is here acknowledged by himself, that his own restitution will be a means to keep *England* from growing richer and greater; the fear whereof, he useth as an argument to provoke the jealousy and emulation of *Holland*. The inference therefore is natural and easie, out of his own mouth; that the interest of himself, and family, is inconsistent with the increase, and interest of the *English Nation*.

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In the next place, he endeavors to darken the glory of God in our many wondrous successes; saying, they are no good argument to justify a *cause*, because the *Turk* hath had as great successes as any. But what ever this *Babler* saith, we cannot be so ignorant of the good hand of God upon us, as to let those glorious works of Providence, whereby he hath pleaded the Cause of this Parliament and Commonwealth, pass under the common title of *Fortune de la guerre*; The Lord having caried on this marvellous work for time and place, with a concurrence of such remarkable circumstances, that the very enemies have at length acknowledged it to be *digitus Dei*, as did D. Hamilton (before his death) and others, who saw the stretched out arm of God in the late defeat at *Worcester*. We justify not our *cause* by successes; but only behold them as the effects of Gods mercy and goodness, owning us in a just ingagement, against the enemies of himself and people. The *Turks* design was to propagate *Tyranny* in *Christendom*; ours, to pull it down. His, only to increase his own Dominion; ours, to exalt the Dominion of *Iesus Christ*. What he did, was by main strength, multitudes, and help of human policy. What we have done, hath been by a despised remnant, inconsiderable, both for knowledg & number, against all the wise and mighty men of this generation, who to their power & wisdom, have had so many great advantages from time to time, that the decision of every success, in our behalf, hath been so manifestly written with the finger of God, that all must confess, it could be no other hand but his that did it: Witness the great advantage the Enemy had of us at *Naisby*; the miraculous fall at *Dublin*, with the many glorious defeats that followed in *Ireland*; the great deliverances wrought in 1648, when by a small army divided into two handfuls, we with one part quieted *South-Wales*, and vanquisht *Hamiltons* galian army; and with the other part, suppressed the many numerous Insurrections in *Kent, Essex, &c.* Witness also that glorious deliverance (beyond all reason) given last year at *Dunbar*, when by a poor handful of sick men, wearied out with watchings, hunger, and incessant marches in tedious weather, & at length impounded within a narrow neck of Land, surrounded by the sea, they did notwithstanding (in the strength of God) defeat the nu-

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merous *Scottish Army*, it being accommodated with all necessities and advantages, and one of the best accomplished armies, that ever appeared in *Scotland*. Add to these (omitting many other) the late memorable defeat at *Worcester*, attended with a series of many other wondrous successes: and it is so much the more observable, in regard of that miraculous power of God upon the hearts of the people, fastning them to the Government, in a most notable time of trial, to the shameful confutation of this shameless *Resident*, who had the impudence to affirm, that not the *hundredth part*, or (as he saith a little after) not the *thousandth part* of the people, but do cordially adhere to the Royal Interest, and passionately groan to be delivered from the prevailing party in England, as he is pleased to call the *Parliament*: whereas, all the time of the *Scots King* being among us (which was about 28 days) courting and wooing the people with all manner of insinuations, intreaties, and pretences, he was not owned by any considerable number of his old friends, or his new-reconciled Enemies of the *Presbyterian party*. From all which particulars, (what ever other men may deem) we cannot but see the hand of God reached out unto us, for the upholding of this Government, in a peculiar manner, contrary to all the expectations and reasonings of worldly wisdom. Since the drying up of the *red sea*, with the wonders that were wrought in *Egypt*, and in the Wilderness, never have there been more glorious appearances of Gods presence, than among his people in *England*: And therefore, none but a profane heart will presume so much to detract from the glory of these dispensations, as to rank them among the ordinary passages of a permissive, or *Turkish* Providence.

The last that we shall take notice of, is one of the principall arguments that he useth to hold the *Dutch* to his young *Master's* party; hinting unto them by way of insinuation, that no Nation is so subject to change as England; that the *Earl of Warwick* in 11 days, *Edw. 4.* in 20, and *Hen. 7.* in 1 day, successively subdued the *English Nation*. Tis true, *England* hath received many a sudden change, but never such a change as now. Heretofore, the poor people toiled themselves, in shifting one *Tyrant* out of the saddle to set up another; but

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now they have driven out, not only the *Tyrant*, but Tyranny it self, and cashiered not only a single King, but all Kings for ever. It is an easie matter for particulars to supplant one another in Government, because the interest stands deposited in a single hand; but when the whole frame of Government is altered from what it was, and the interest of State lies diffused in the hands of the people, it is almost impossible to alter it again, without such a tract of time, as may produce new dispositions and opportunities for the effecting a new alteration. Besides, it is very rarely observed in the whole course of History, that ever *Kingly Government* was suddenly restored in any Country, after it had been once cashiered by the people.

As for *Robert Bruce*, his recovery of all *Scotland*, 300 years ago, out of the hands of the English; you know it could not be effected as long as *Edm. 1.* lived; but advantages being taken by the infirmities, debaucheries, and civil broils of *Edm. 2.* the Scots made a shift to shake off the yoke; wherein they were more beholding to that *Prince's vanity*, than the valour and vertue of their own Nation. And whereas he calls *Sterlin* the *unconquered, and fatall Bulwark* of *Scotland*, and tells us, that there they *stoppt the current of the Roman Victories*; yet their own Historian *Buchanan* confesseth, that both *Edm. 1.* and *2.* were possesst of *Sterlin* by force of arms: and both their and our Historians will be able to relate in time to come how that the Commonwealth of *England* hath done more than *Rome*, and made another Conquest, not only of *Sterlin*, but far beyond it; which I dare be bold to second with this *Omen*: That as *Scotland's* happiness will be promoted by a subjection to *England*; so now it is the design of God, for the better carrying on of his great work, and the good of that people, to bring them into an universal submission to the Laws and Government of the English Nation.

— Nec sit Terris
Ultima Thule.

F I N I S.